

2010

**SENATE
TRANSPORTATION**

MINUTES

PAGES ATTENDING

Date: 6-9

Committee: Transportation Room: 1027 // 11 AM

PLEASE PRINT LEGIBLY!!!!

Page Name	Hometown	Sponsoring Senator
1 Sara Worth Hodge	Rocky Mount	Jenkins
2 Miller Clark	Tarboro	Jenkins
3 Eliza Stoughton	Greenville	Jenkins
4 Kestee Daughtridge	Rocky Mount	Swindell
5 Emma Park	Rocky Mount	Swindell
6 Olivia Roberson	Rocky Mount	Swindell
7 Brennan Cumalander	Cary	Sferens
8 Toni Selby	Manteo	Basnigh
9 Damon Hall Jr.	Manteo	Basnigh

Do not add additional names below the grid.

Pages: Please present this form to either the Committee Clerk at the meeting or a Sgt. at Arms.

VISITOR REGISTRATION SHEET

SENATE TRANSPORTATION

JUNE 9, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Conklin	Boehr
PAIGE WORSHAM	SCHOOL OF GOVERNMENT
Johanna Reese	DOT
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Colleen Kochowek	Kochowek Law Group
John	TRANC. NCAMVIR
Dave Brown	WILLIAMS MURPHY
HASSAN KAMR	NLCW
MARC NICHOLS	NCSHP
Tim Belch	NCSHP
Paul Meyer	NLCW

Senate Transportation Committee
Wednesday, June 9, 2010, 11:00 AM
1027 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1136	Regulate Towing From Private Lots.	Senator Rucho
SB 1214	Highway Patrol Motor Carrier Fines and Fees.	Senator Jenkins

Other Business

Adjournment

MINUTES

Senate Transportation Committee

Wednesday, June 9, 2010

11:00 AM

1027 Legislative Building

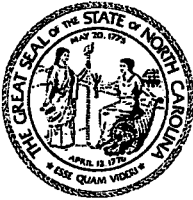
The Senate Transportation Committee met on June 9, 2010 at 11:00am in Room 1027 of the Legislative Building in Raleigh, NC. Senator Larry Shaw, Chair, called the meeting to order. Senator Shaw introduced Committee Staff and Senate Pages and welcomed Committee members and visitors.

Senator Rucho was called to the podium to explain SB 1136, Regulate Towing from Private Lots. The PCS was approved to be brought before the Committee. Senator Rucho's explained the issue originated in Transportation Oversight. In Huntersville an automobile was towed from a private lot to a lot 40 miles away in Shelby, NC. It took the owner a day to find the vehicle at a cost of \$200 including gas and the fine. This bill prohibits removal of vehicles more than 15 miles from the place of towing. Also, a system is set up where if one believes the towing and storage charges are excessive and pays these charges; there is a vehicle within the magistrate system to rebate back those dollars. Additionally, this bill eliminates the practice of someone having to sign a waiver of their rights (i.e. vehicle damaged; done improperly). The penalty is increased to up to \$100 for taking a vehicle improperly. Any city or municipality that has towing laws can maintain those laws to cover the area. The PCS was amended to add Mecklenburg County to the bill. The motion to adopt the amendment to the PCS passed favorably. Senator McKissick asked about the different size towing signs. Staff Attorney Brenda Carter stated the law says the sign can be no smaller than 24x24; the bill does not change that. Ms. Colleen Kochanek, representing the Towing and Recovery Group, was asked by Senator Shaw if the Towing Industry had anything to say concerning the bill. Ms. Kochanek replied the magistrate section of the bill is being worked on with Senator Rucho. Sen. McKissick asked has the towing group run into issues over sign size. Ms. Kochanek had not heard any issues about the size of signs but has heard complaints of the signs being knocked down. Ms. Kochanek said she would be happy to work with Sen. McKissick to work on language to address his issue regarding size sign. Sen. McKissick amended the bill to delete Durham. The motion to amend the bill carried and the PCS was placed back before the Committee. Senator Stevens moved for a favorable report and Senator Graham second.

Senator Shaw announced the next bill before the Committee was SB 1214, Highway Patrol Motor Carrier Fines and Fees. Senator Jenkins came to the podium to explain the bill. Senator Jenkins said the bill was technical in nature, cleaning up odds and ends that deal with the vehicle enforcement part of Highway Patrol. Annually the Motor Carrier

Safety Administration audits states' rules and regulations, sometimes finding discrepancies between federal and state laws. Sections 1 and 5 of the bill addressed such discrepancies. Section 3 closes a loophole in relation to farmers. Currently farmers are allowed, even with a small weighted license on a vehicle, to carry up to 80,000 pounds of crop. This bill continues to allow farmers to carry 80,000 pounds but farmers have to have the vehicle registered to do so. Farm Bureau has no problems with this particular provision. Section 4 has to do with a fee (not a new fee). This says Highway Patrol can keep costs for the escort service instead of giving it to the General Fund. Section 6 will allow Highway Patrol to file a civil suit against truckers who are delinquent in paying their fines to the State. Senator Soles asked do the truckers pay the fine to Wake County or wherever the citation took place. Marc Nichols, a Highway Patrol representative, says the fine goes to either Wake County or the county the offence took place. Senator Soles would rather have the fine go to where the citation took place. Mr. Nichols said he is sure that is what happens. The citation is issued in a county and generally the fee goes to that county. There were no comments from Department of Transportation representative, Ms. Johanna Reese. Mr. Thomas Caves of NC Department of Crime Control and Public Safety said he would be happy to double check where the fee goes before it comes up in the next committee. Senator Shaw stated the Committee will take it on the advice of a counselor. Senator Phil Berger agreed the fee should be paid where the offence occurs. Staff Attorney Brenda Carter stated she will double check. Senator Brown moved for a favorable report.

The meeting was adjourned.



SENATE BILL 1136: Regulate Towing From Private Lots

2009-2010 General Assembly

Committee:	Senate Transportation	Date:	June 8, 2010
Introduced by:	Sen. Rucho	Prepared by:	Giles S. Perry
Analysis of:	PCS to First Edition S1136-CSRW-82		Committee Counsel

SUMMARY: *Senate Bill 1136 (PCS) amends State law governing towing from private lots.*

[As introduced, this bill was identical to H1866, as introduced by Reps. Carney, K. Alexander, Killian, Earle, which is currently in House Local Government II, if favorable, Finance.]

CURRENT LAW: Under current G.S. 20-219.2, in certain cities and counties, it is unlawful to tow a vehicle from a private parking space or lot unless the space or lot is clearly marked with a 24x24 sign stating that unauthorized parking is prohibited, and providing the name of the lot or space owner. In addition, under general law, based on general police power, cities and counties may regulate towing by ordinance.

BILL ANALYSIS: Senate Bill 1136 amends G.S. 20-219.2, which regulates towing from private lots and is applicable to the certain cities and counties, to:

- provide that the required sign at a private lot include the name and phone number of the towing and storage company.
- prohibits removal of vehicles more than 15 miles from the place of towing.
- limits towing and storage charges to reasonable fees for services rendered, and prohibits charges in excess of what the company charges for the same service elsewhere.
- prohibits towing companies from requiring vehicle owners to sign waivers of rights when retrieving vehicles.
- increases the penalty for the infraction violation to up to \$100.
- extends applicability of G.S. 20-219.2 to Mecklenburg County, and clarifies that it applies to municipalities in the listed counties.
- clarifies that G.S. 20-219.2 does not preempt the general law authority of counties and municipalities to regulate towing by ordinance.

EFFECTIVE DATE: This act becomes effective October 1, 2010, and applies to offenses committed on or after that date.

S1136-SMRW-194(CSRW-82) v1

PUBLIC BILL

S.B. **1136**

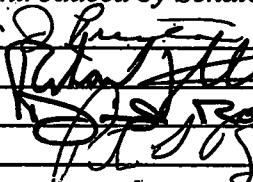
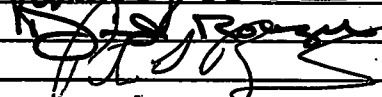
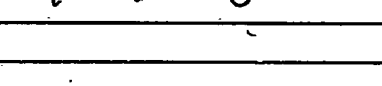
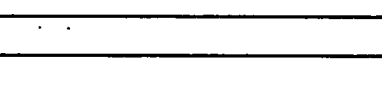

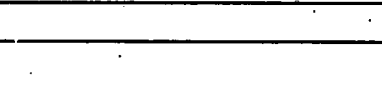
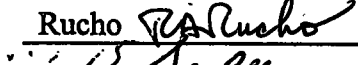
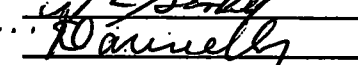
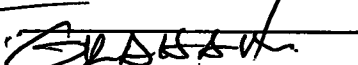
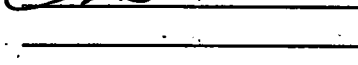
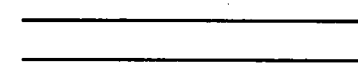
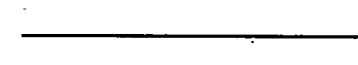
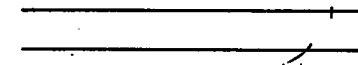



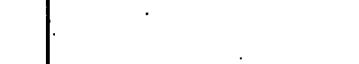



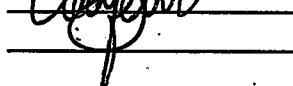
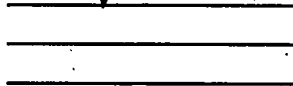
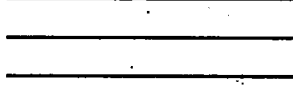
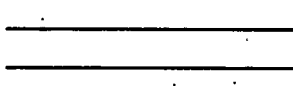
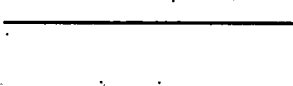
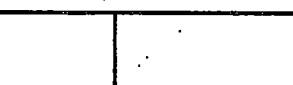
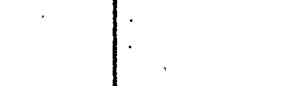
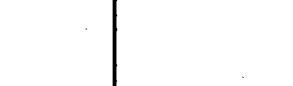
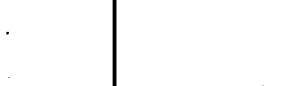
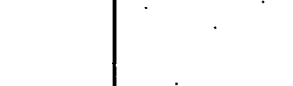

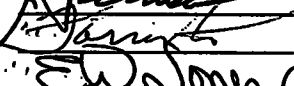
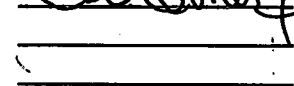
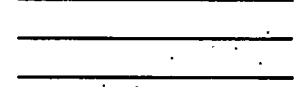
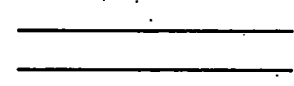
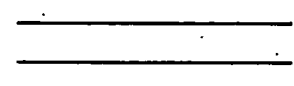
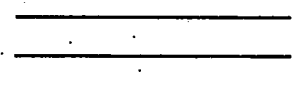





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SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES FROM PRIVATE LOT IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Introduced by Senator(s)

Principal Clerk's Use Only

FILED MAY 13 2010

PASSED 1st READING

MAY 17 2010

AND REFERRED TO COMMITTEE
ON *Transp.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1136
PROPOSED COMMITTEE SUBSTITUTE S1136-CSRW-82 [v.3]

6/9/2010 9:54:46 AM

Short Title: Regulate Towing From Private Lots.

(Public)

Sponsors:

Referred to:

May 17, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES
3 FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED
4 BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-219.2 reads as rewritten:

7 "**§ 20-219.2. Removal of unauthorized vehicles from private lots.**

8 (a) It shall be unlawful for any person other than the owner or lessee of a privately
9 owned or leased parking space to park a motor or other vehicle in such private parking space
10 without the express permission of the owner or lessee of such space; ~~provided, that such if the~~
11 private parking lot ~~be is~~ clearly designated as such by a sign no smaller than 24 inches by 24
12 inches prominently displayed at the entrance ~~thereto thereto, displaying the name and phone~~
13 ~~number of the towing and storage company, and and, if individually owned or leased,~~ the
14 parking spaces within the lot ~~be are~~ clearly marked by signs setting forth the name of each
15 individual lessee or ~~owner, owner.~~ a vehicle parked in a privately owned parking space in
16 violation of this section may be removed from such space upon the written request of the
17 parking space owner or lessee to a place of storage and the registered owner of such motor
18 vehicle shall become liable for removal and storage charges. Any person who removes a
19 vehicle pursuant to this section shall not be held liable for damages for the removal of the
20 vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle
21 removed; however, any person who intentionally or negligently damages a vehicle in the
22 removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the
23 removal of such vehicle, may be held liable for damages.

24 (a1) Any vehicle removed pursuant to this section shall not be transported for storage
25 more than 15 miles from the place of removal.

26 (a2) Any person or company that tows or stores a vehicle subject to this section shall
27 charge reasonable fees for the services rendered, and any fee charged shall not exceed the fee
28 for other service calls the person or company provides for the same service, labor, and
29 conditions.

30 (a3) Any person or company that tows or stores a vehicle subject to this section shall not
31 require any person retrieving a vehicle to sign any waiver of rights or other similar document as
32 a condition of the release of their vehicle, other than a form acknowledging release and receipt
33 of the vehicle.



1 (b) Any person violating any of the provisions of this section shall be guilty of a Class 3
2 misdemeanor and upon conviction shall be only fined not more than ~~ten dollars (\$10.00)~~ one
3 hundred dollars (\$100.00) in the discretion of the court.

4 (c) This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston,
5 Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and
6 municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and
7 Fayetteville.

8 (d) The provisions of this section shall not be interpreted to preempt the authority of
9 any county or municipality to enact ordinances regulating towing from private lots, as
10 authorized by general law."

11 **SECTION 2.** G.S. 7A-292 is amended by adding a new subdivision to read:

12 "**§ 7A-292. Additional powers of magistrates.**

13 In addition to the jurisdiction and powers assigned in this Chapter to the magistrate in civil
14 and criminal actions, each magistrate has the following additional powers:

15

16 (17) To determine if a violation of G.S. 20-219.2 (a2) has occurred."

17 **SECTION 3.** This act becomes effective October 1, 2010, and applies to vehicles
18 towed on or after that date.



SENATE BILL 1214: Highway Patrol Motor Carrier Fines and Fees

2009-2010 General Assembly

Committee:	Senate Ref to Transportation. If fav, re-ref to Finance	Date:	June 8, 2010
Introduced by:	Sen. Jenkins	Prepared by:	Brenda J. Carter
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 1214 would amend various laws pertaining to property-hauling vehicles.*

BILL ANALYSIS: Under G. S. 20-96, a law enforcement officer has authority to seize and detain property-hauling vehicles or vehicles regulated by the Motor Carrier Safety Regulation Unit until delinquent fines or penalties and taxes are paid. When necessary, an officer who detains a vehicle may have the vehicle stored, and the owner of the vehicle is responsible for the care of any property being hauled by the vehicle and for any storage charges. *Section 2 of the bill would provide that the authority of a law enforcement officer to seize a motor vehicle for delinquent fines and penalties pursuant to G.S. 20-96 is not affected by the statutes of limitations set out in Chapter 1 of the General Statutes.*

Under G.S. 20-88, fees are imposed on the annual registration of self-propelled property-hauling vehicles based on the type of vehicle and its weight. For the purpose of licensing, the weight of the vehicle is the empty weight and heaviest load to be transported, as declared by the owner or operator. G.S. 20-118 regulates the weight of vehicles and load for vehicles operating on the highways of the State. Vehicles that violate the weight limitation are subject to a civil penalty in an amount specified in the statute for each weight violation. Certain vehicles that meet all specified conditions are exempt from the weight limitations and penalties. Exemptions apply for certain vehicles including those hauling agricultural crops from farm to market or hauling aggregates from certain distribution yards or State-permitted production sites in counties contiguous to the State border. *Section 3 of the bill would add as a condition for being eligible from weight limitations and penalties under G.S. 29-118 a requirement that the property hauling vehicle be registered pursuant to G.S. 20-88 for the maximum weight allowed for the vehicle configuration.*

Under G.S. 20-196.6, an entity that is required or desires to have a law enforcement escort provided by the State Highway Patrol for the transport of any oversized load or hazardous shipment must pay a fee to the Department of Crime Control and Public Safety covering the full cost to administer, plan and carry out the escort within this State. The fees are placed in a special Escort Fee Account, and remain in the account until appropriated by the General Assembly. *Section 4 of the bill would allow funds in the Escort Fee Account be used to pay actual expenses for escorting vehicles when required by the Department of Transportation. Any unexpended fees could be used by the Highway Patrol to pay for vehicle or equipment maintenance. The bill would also eliminate a requirement that the Department provide quarterly reports to the legislature on the funds in the special account.*

Section 5 of the bill would amend the definition of intrastate motor carriers to include vehicles that have a gross combination weight rating (GCWR) or gross vehicle weight (GVW) or gross combination weight (GCW) rating of 26,001 pounds or more, as those terms are defined in Section 1 of the bill.

G.S. 1-15 provides that civil actions can only be commenced within the periods prescribed in Chapter 1 of the General Statutes, after the cause of action has accrued, except where in special cases a different limitation is prescribed by statute. The periods prescribed for the commencement of actions, other than for the recovery of real property, are as set forth in Article 5 of Chapter 1. *Section 6 of the bill would add a provision to Chapter 1 of the General Statutes to establish a 3-year time limitation for*

Senate Bill 1214

Page 2

commencement of a legal proceeding to collect a civil penalty, civil assessment, or civil fine imposed pursuant to the State's motor vehicle laws.

EFFECTIVE DATE: The bill would become effective July 1, 2010.

NOTE: This bill appears to require certification pursuant to G.S. 120-36.8, which requires that *"Every bill and resolution introduced in the General Assembly proposing any change in the law which purports to implement federal law or to be required or necessary for compliance with federal law, or on which is conditioned the receipt of federal funds shall have attached to it at the time of its consideration by the General Assembly a certification prepared by the Research Division, in consultation with the Bill Drafting and Fiscal Research Divisions, identifying the federal law requiring passage of the bill or resolution."*

S1214-SMRV-124(e1) v1

S.B. 1214

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO MAKE CORRESPONDING CHANGES TO THE MOTOR VEHICLES LAWS TO COMPLY WITH FEDERAL MOTOR CARRIER ENFORCEMENT REGULATIONS AND MAINTAIN FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUNDING FOR THE STATE HIGHWAY PATROL'S MOTOR CARRIER SECTION, TO REQUIRE DECLARED REGISTRATION LICENSE WEIGHT TO BE FOR THE MAXIMUM WEIGHT FOR ALL VEHICLES THAT ARE PROVIDED EXEMPTIONS UNDER G.S. 20-118, AND TO MODIFY THE STATUTE OF LIMITATION FOR CIVIL SUITS RELATED TO UNCOLLECTED CIVIL FINES THAT HAVE BEEN ASSESSED AND REMAIN OWED TO THE STATE CIVIL FINES AND FORFEITURES FUND.

Introduced by Senator(s)

[Handwritten Signature]
~~Tenkoff~~

Table with 4 columns and 10 rows of horizontal lines for recording legislative actions.

Principal Clerk's Use Only

FILED MAY 18 2010

PASSED 1st READING

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SENATE BILL 1214

Short Title: Highway Patrol Motor Carrier Fines and Fees.

(Public)

Sponsors: Senator Jenkins.

Referred to: Transportation.

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO MAKE CORRESPONDING CHANGES TO THE MOTOR VEHICLES LAWS TO COMPLY WITH FEDERAL MOTOR CARRIER ENFORCEMENT REGULATIONS AND MAINTAIN FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUNDING FOR THE STATE HIGHWAY PATROL'S MOTOR CARRIER SECTION, TO REQUIRE DECLARED REGISTRATION LICENSE WEIGHT TO BE FOR THE MAXIMUM WEIGHT FOR ALL VEHICLES THAT ARE PROVIDED EXEMPTIONS UNDER G.S. 20-118, AND TO MODIFY THE STATUTE OF LIMITATION FOR CIVIL SUITS RELATED TO UNCOLLECTED CIVIL FINES THAT HAVE BEEN ASSESSED AND REMAIN OWED TO THE STATE CIVIL FINES AND FORFEITURES FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

(12b) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle shall be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles for the purpose of enforcing this Chapter. For the purpose of classification of commercial drivers license and skills testing, the manufacturer's GVWR shall be used.

(12c) Gross Combination Weight Rating (GCWR). – Defined in 49 C.F.R. § 390.5.

(12d) Gross Vehicle Weight (GVW). – The total weight of a vehicle, including passengers, fuel, cargo, and attachments.

(12e) Gross Combined Weight (GCW). – The total weight of a combination (articulated) motor vehicle, including passengers, fuel, cargo, and attachments.

(12e)(12f) Hazardous Materials. – Any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under Subpart F of Part 172 of Title 49 of the Code of Federal Regulations (4



1 ~~October 2007 Edition~~), or any quantity of a material listed as a select agent
2 or toxin under Part 73 of Title 42 of the Code of Federal Regulations (~~1~~
3 ~~October 2007 Edition~~)Regulations.

4 "

5 **SECTION 2.** G.S. 20-96 is amended by adding a new subsection to read:

6 "**(c)** The authority of a law enforcement officer to seize a motor vehicle pursuant to
7 subsection (a) of this section shall not be affected by the statutes of limitation set out in Chapter
8 1 of the North Carolina General Statutes."

9 **SECTION 3.** G.S. 20-118(c) reads as rewritten:

10 "**(c)** Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

11 ...

12 **(12)** Subsections (b) and (e) of this section do not apply to a vehicle that meets all
13 of the conditions set out below:

- 14 a. Is hauling agricultural crops from the farm where the crop is grown
15 to any market within 150 miles of that farm.
16 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
17 b1. Does not operate on an interstate highway or exceed any posted
18 bridge weight limits during transportation or hauling of agricultural
19 products.
20 c. Does not exceed a single-axle weight of 22,000 pounds, a
21 tandem-axle weight of 42,000 pounds, or a gross weight of 90,000
22 pounds.
23 d. Is registered pursuant to G.S. 20-88 for the maximum weight allowed
24 for the vehicle configuration as listed in subsection (b) of this
25 section.

26 ...

27 **(14)** Subsections (b) and (e) of this section do not apply to a vehicle that meets all
28 of the conditions below, but all other enforcement provisions of this Article
29 remain applicable:

- 30 a. Is hauling aggregates from a distribution yard or a State-permitted
31 production site located within a North Carolina county contiguous to
32 the North Carolina State border to a destination in another state
33 adjacent to that county as verified by a weight ticket in the driver's
34 possession and available for inspection by enforcement personnel.
35 b. Does not operate on an interstate highway or exceed any posted
36 bridge weight limits.
37 c. Does not exceed 69,850 pounds gross vehicle weight and 53,850
38 pounds per axle grouping for tri-axle vehicles. For purposes of this
39 subsection, a tri-axle vehicle is a single power unit vehicle with a
40 three consecutive axle group on which the respective distance
41 between any two consecutive axles of the group, measured
42 longitudinally center to center to the nearest foot, does not exceed
43 eight feet. For purposes of this subsection, the tolerance provisions of
44 subsection (h) of this section do not apply, and vehicles must be
45 licensed in accordance with G.S. 20-88.
46 d. Repealed by Session Laws 2001-47, s. 10, effective December 16,
47 2001.
48 e. Is registered pursuant to G.S. 20-88 for the maximum weight allowed
49 for the vehicle configuration as listed in subsection (b) of this
50 section.

1 (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
2 combination that meets all of the conditions below, but all other enforcement
3 provisions of this Article remain applicable:

- 4 a. Is hauling wood residuals, including wood chips, sawdust, mulch, or
5 tree bark from any site; is hauling raw logs to first market; or is
6 transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings
7 from a site that does not have a certified scale for weighing the
8 vehicle.
- 9 b. Does not operate on an interstate highway, a posted light-traffic road,
10 except as provided by subdivision (c)(5) of this section, or exceed
11 any posted bridge weight limits.
- 12 c. Does not exceed a maximum gross weight 4,000 pounds in excess of
13 what is allowed in subsection (b) of this section.
- 14 d. Does not exceed a single-axle weight of more than 22,000 pounds
15 and a tandem-axle weight of more than 42,000 pounds.
- 16 e. Is registered pursuant to G.S. 20-88 for the maximum weight allowed
17 for the vehicle configuration as listed in subsection (b) of this
18 section."

19 SECTION 4. G.S. 20-196.4 reads as rewritten:

20 "§ 20-196.4. Oversized and hazardous shipment escort fee.

21 (a) Every person, firm, corporation, or entity required by the North Carolina
22 Department of Transportation or any federal agency or commission to have a law enforcement
23 escort provided by the State Highway Patrol for the transport of any oversized load or
24 hazardous shipment by road or rail shall pay to the Department of Crime Control and Public
25 Safety a fee covering the full cost to administer, plan, and carry out the escort within this State.

26 (b) If the State Highway Patrol provides an escort to accompany the transport of
27 oversized loads or hazardous shipments by road or rail at the request of any person, firm,
28 corporation, or entity that is not required to have a law enforcement escort pursuant to
29 subsection (a) of this section, then the requester shall pay to the Department of Crime Control
30 and Public Safety a fee covering the full cost to administer, plan, and carry out the escort within
31 this State.

32 (c) The Department of Crime Control and Public Safety shall comply with the
33 provisions of G.S. 12-3.1(a)(2) when establishing fees to implement this section.

34 (d) All fees collected pursuant to this section shall be placed in a special Escort Fee
35 Account and shall ~~remain unencumbered and unexpended until appropriated by the General~~
36 ~~Assembly be used to pay actual expenses for escorting vehicles when required by the~~
37 Department of Transportation. If any fees remain unexpended, the State Highway Patrol may
38 use those fees to pay for any vehicle or equipment maintenance that needs to be made before or
39 after an escort occurs to ensure the visibility and safety of the trooper and the motoring public.

40 (e) ~~The Department shall report quarterly on the funds in the special account to the~~
41 ~~Chairs of the Joint Legislative Transportation Oversight Committee, to the Chairs of the House~~
42 ~~of Representatives Appropriations Subcommittee on Transportation and the Senate~~
43 ~~Appropriations Subcommittee on Department of Transportation, and to the Chairs of the Senate~~
44 ~~and House of Representatives Appropriations Subcommittees on Justice and Public Safety."~~

45 SECTION 5. G.S. 20-376(5) reads as rewritten:

46 "(5) Intrastate motor carrier. – Any person, firm, or corporation that operates or
47 controls a ~~commercial motor vehicle as defined in G.S. 20-4.01(3d) in~~
48 intrastate commerce in intrastate commerce when the vehicle:

- 49 a. Is a vehicle having a gross vehicle weight rating (GVWR) or gross
50 combination weight rating (GCWR) or gross vehicle weight (GVW)

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or gross combination weight (GCW) of 26,001 pounds or more, whichever is greater.

b. Is designed or used to transport 16 or more passengers, including the driver.

c. Is used in transporting a hazardous material in a quantity requiring placarding pursuant to 49 C.F.R. Parts 170 through 185."

SECTION 6. G.S. 1-52 is amended by adding a new subdivision to read:
"(20) Upon a liability for a civil penalty, civil assessment, or civil fine imposed pursuant to Chapter 20 of the General Statutes."

SECTION 7. This act becomes effective July 1, 2010.

AGENDA

SENATE TRANSPORTATION COMMITTEE

June 23, 2010 at 11:00 AM

Room 1027, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

HB 1734	DOT Powers and Duties Changes.	Representative Cole
SB 595	Pedestrian Safety Improvements.	Senator Goodall
SB 181	Drivers Licenses Change Expir./8 yrs to 65 .	Senator Shaw

III. Other Business

IV. Adjournment

VISITOR REGISTRATION SHEET

^{Transportation}
~~Senate~~ ~~Committee~~ Committee
Name of Committee

June 22³, 2010
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO DeANNE MANGUM

NAME	FIRM OR AGENCY AND ADDRESS
Julie Wh	NCLM
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Zane Struff	NCGA
Andrew Lynch	NCLM
Mittiey Campbell	Jordan Price
Paul Johnson	Tofane
David Farrell	Vaid Black

VISITOR REGISTRATION SHEET

TRANSPORTATION
Senate ~~Commerce~~ Committee
Name of Committee

June 22³, 2010
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO DeANNE MANGUM

NAME	FIRM OR AGENCY AND ADDRESS
Gene Cauchi	ALPARK
PRIGE WORSHAM	SOG
Theresa Canales	NCDOT
Johanna Reese	DOT
Jon Nance	DOT
Beau Memory	DOT
[Signature]	RANE - Tony Agents
Cody Thomas	NCAR
Jessi Hays	NCHBA
Nick Tosco	NCLM

MINUTES

SENATE TRANSPORTATION COMMITTEE

WEDNESDAY, JUNE 23, 2010

10:00 AM

1027 LEGISLATIVE BUILDING

The Senate Transportation Committee met on June 23, 2010 at 10:00am in 1027 Legislative Building, Raleigh, NC. Senator Larry Shaw, Chair, called the meeting to order, introduced pages, staff and welcomed visitors and Committee members.

Senator Shaw announced HB 1734, DOT Powers and Duties Changes, is before the Committee. Senator Apodaca made motion for approval of the PCS. Representative Cole, Chair of the House Transportation Committee explained the bill. The bill reflects the Department of Transportation's transition from motor to multi-motor department in regards to the officers and such and supports the new 5 year data driven approach to the TIP. The bill also clarifies the turn-pike authority now it is a part of the Department of Transportation, which is most critical to the Bond Funding and Bond Financing that takes place. Section 6 allows the Department to advance project delivery by coordinating with municipalities on the right of way acquisition as it currently does with construction. In the past we had it just for construction, this expands it to right of way. Section 8 removes the reporting requirement as the Department and the Wildlife Resource Commission has entered into a Memorandum of Understanding. Section 9 concerns the disparity study and reflects the study's recommendation. This promotes fairness among the applicants in efforts to continue to give better chances for minority participants in Department of Transportation contracts. The reason for the PCS is one added piece of language. Staff Attorney Brenda Carter explained the added language. The section added to page 2, line 20, section 4(a) authorizes the Department of Transportation to require rights of way to locate distributed antenna systems that is permitted by local zoning. The antenna system is for wi-fi networking for provision of broadband services and allows the department to change the configuration of the system either above or below ground as appropriate. Senator Tillman asked were there any objections from anyone. Representative Cole replied no. Johanna Reese, representative of the Department of Transportation, answered this bill addresses an antiquated zoning requirement. Senator McKissick asked is that the major crust of the bill. Representative Cole answered no; this was brought by a North Mecklenburg Representative and this bill allows municipalities to bury this cable with other cable already allowed under statute. The bill was approved by Committee.

Senator Shaw announced the next bill before the Committee, SB 595, Pedestrian Safety Improvements. Representative Dollar explained SB 595, stating this was a simple provision as cities and towns have taken the lead in improving pedestrian travel. The bill provides that if a municipality in a given situation is willing to fund a pedestrian safety improvement at 100% then the state will be obligated to accept those funds provided that

the Department of Transportation approves the design and installation that gets done to Department of Transportation specifications. The provisions are done on state roads in a municipality. There is no opposition. The bill was approved.

The final bill before the Committee was SB 181, Drivers Licenses Change Expir./8 yrs to 65. Senator Shaw asked Senator Hoyle to take over the meeting for the Chairman. There is no PCS. Senator Shaw is recognized as sponsor to explain the bill. Senator Shaw stated the bill is very simple. The bill was introduced several years ago when the State moved from 4 years to 8 years license renewal. A glitch, some believed it should be beyond 54 years of age; this bill is a technical correction to amends to 65 years of age. A favorable report is found by the Committee.

The meeting was adjourned.



HOUSE BILL 1734: DOT Powers and Duties Changes

2009-2010 General Assembly

Committee: Senate Transportation
Introduced by: Rep. Cole
Analysis of: PCS to 3rd Edition
H1734-CSRV-70

Date: June 23, 2010
Prepared by: Brenda J. Carter
Committee Counsel

SUMMARY: *This proposed committee substitute for House Bill 1734 makes several changes to statutes governing the Department of Transportation, as recommended by the Joint Legislative Transportation Oversight Committee. It also authorizes the Department to acquire rights of way for the location or relocation of distributed antenna systems.*

[As introduced, this bill was identical to S1159, as introduced by Sen. Goss, which is currently in Senate Transportation.]

BILL ANALYSIS: House Bill 1734 amends statutes governing the Department of Transportation as follows:

Section 1. Repeals a requirement that the Department report annually to the Department of Administration, or to the Governor, on its finances and the physical condition of its buildings, depots, and properties.

Section 2. Corrects terminology in G.S. 136-16.10, replacing the term "Controller" with "Chief Financial Officer".

Sections 3, 5, 6, and 12. Eliminate references to a seven-year period for the Transportation Improvement Program.

Section 4. Clarifies that the Department has authority over all construction, maintenance, and design of transportation projects.

Section 4(a) authorizes the Department to acquire rights of way for the location or relocation of distributed antenna systems (DAS), a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. The Department would have authority to alter the location or configuration of the systems above or below ground.

Section 6. Provides that the Department may enter into agreements with municipalities, counties, governmental entities, or nonprofit corporations to receive funds for right-of-way acquisition.

Sections 7, 10, and 14. Update references to the North Carolina Turnpike Authority to reflect the transfer of the Authority to the Department.

Section 8. Eliminates a requirement that the Department report annually to the Joint Legislative Commission on Seafood and Aquaculture and the Joint Legislative Transportation Oversight Committee on the Department's progress in expanding public access to coastal waters.

Section 9. Updates the statute setting out the Department's Disadvantaged Minority-Owned and Women-Owned Businesses Program and extends its sunset from August 31, 2010, to August 31, 2014.

Sections 11 and 13. Transfers the power to make rules and regulations concerning transportation functions assigned to the Department from the Board of Transportation to the Secretary of Transportation or the Secretary's designee.

EFFECTIVE DATE: The act is effective when it becomes law.

**Giles Perry and Wendy Graf Ray, Staff Attorneys, contributed substantially to this summary.*

H1734-SMRV-134(H1734-CSRV-70) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

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HOUSE BILL 1734*
Committee Substitute Favorable 5/27/10
Third Edition Engrossed 6/10/10
PROPOSED COMMITTEE SUBSTITUTE H1734-CSR-V-70 [v.2]

6/23/2010 10:27:49 AM

Short Title: DOT Powers and Duties Changes.

(Public)

Sponsors:

Referred to:

May 17, 2010

A BILL TO BE ENTITLED

1 AN ACT TO ELIMINATE A DEPARTMENT OF TRANSPORTATION REPORT ON THE
2 CONDITION OF ITS BUILDINGS; CORRECT A STATUTORY REFERENCE TO THE
3 DEPARTMENT OF TRANSPORTATION'S CHIEF FINANCIAL OFFICER;
4 ELIMINATE STATUTORY REFERENCES TO A SEVEN-YEAR TRANSPORTATION
5 IMPROVEMENT PROGRAM; CLARIFY THAT THE DEPARTMENT OF
6 TRANSPORTATION HAS AUTHORITY AND GENERAL SUPERVISION OVER ALL
7 TRANSPORTATION PROJECTS; PROVIDE THAT THE DEPARTMENT OF
8 TRANSPORTATION HAS AUTHORITY TO ENTER INTO AGREEMENTS WITH
9 LOCAL GOVERNMENTS TO RECEIVE FUNDS FOR RIGHT-OF-WAY
10 ACQUISITION; UPDATE STATUTORY REFERENCES TO THE NORTH CAROLINA
11 TURNPIKE AUTHORITY; ELIMINATE A DEPARTMENT OF TRANSPORTATION
12 REPORT ON ACCESS TO COASTAL WATERS; REVISE THE STATUTES
13 GOVERNING THE DEPARTMENT OF TRANSPORTATION'S DISADVANTAGED
14 MINORITY-OWNED AND WOMEN-OWNED BUSINESSES PROGRAM; AND
15 TRANSFER TO THE SECRETARY THE POWER TO PROMULGATE DEPARTMENT
16 OF TRANSPORTATION RULES, AS RECOMMENDED BY THE JOINT
17 LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND PROVIDE
18 THAT THE DEPARTMENT OF TRANSPORTATION HAS AUTHORITY TO LOCATE
19 AND ACQUIRE RIGHTS-OF-WAY FOR THE PRESENT OR FUTURE RELOCATION
20 OR INITIAL LOCATION OF DISTRIBUTED ANTENNA SYSTEMS (DAS) AS
21 PERMITTED BY LOCAL ZONING.
22

23 The General Assembly of North Carolina enacts:

24 SECTION 1. G.S. 136-11 is repealed.

25 SECTION 2. G.S. 136-16.10 reads as rewritten:

26 "§ 136-16.10. Allocations by Department ~~Controller~~ Chief Financial Officer to eliminate
27 overdrafts.

28 The ~~Controller~~ Chief Financial Officer of the Department of Transportation shall allocate at
29 the beginning of each fiscal year from the various appropriations made to the Department of
30 Transportation for State Construction, State Funds to Match Federal Highway Aid, State
31 Maintenance, and Ferry Operations, sufficient funds to eliminate all overdrafts on State



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1 maintenance and construction projects, and these allocations shall not be diverted to other
2 purposes."

3 **SECTION 3.** G. S. 136-17.2A(d) reads as rewritten:

4 "(d) In each fiscal year, the Department shall, as nearly as practicable, expend in a
5 distribution region an amount equal to that region's tentative percentage share of the funds that
6 are subject to this section and are available for that fiscal year. In any ~~consecutive seven-year~~
7 Transportation Improvement Plan period, the amount expended in a distribution region must be
8 between ninety percent (90%) and one hundred ten percent (110%) of the sum of the amounts
9 established under this subsection as the target amounts to be expended in the region for ~~these~~
10 seven-years-that period."

11 **SECTION 4.** G.S. 136-18(1) reads as rewritten:

12 "**§ 136-18. Powers of Department of Transportation.**

13 The said Department of Transportation is vested with the following powers:

- 14 (1) The authority and general supervision over all matters relating to the
15 ~~construction-construction, maintenance, and design~~ of the State highways,
16 transportation projects, letting of contracts therefore, and the selection of
17 materials to be used in the construction of State ~~highways-transportation~~
18 projects under the authority of this Chapter.

19 "...."

20 **SECTION 4(a).** G.S. 136-18(2) reads as rewritten:

21 "**§ 136-18. Powers of Department of Transportation.**

22 The said Department of Transportation is vested with the following powers:

23 ...

- 24 (2) To take over and assume exclusive control for the benefit of the State of any
25 existing county or township roads, and to locate and acquire rights-of-way
26 for any new roads that may be necessary for a State highway system, and
27 subject to the provisions of G.S. 136-19.5(a) and (b) also locate and acquire
28 such additional rights-of-way as may be necessary for the present or future
29 relocation or initial location, above or below ground, of telephone, telegraph,
30 distributed antenna systems (DAS) as permitted by local zoning, broadband
31 communications, electric and other lines, as well as gas, water, sewerage, oil
32 and other pipelines, to be operated by public utilities as defined in G.S.
33 62-3(23) and which are regulated under Chapter 62 of the General Statutes,
34 or by municipalities, counties, any entity created by one or more political
35 subdivisions for the purpose of supplying any such utility services, electric
36 membership corporations, telephone membership corporations, or any
37 combination thereof, with full power to widen, relocate, change or alter the
38 grade or location thereof-thereof, or alter the location or configuration of
39 such lines or systems above or below ground, and to change or relocate any
40 existing roads that the Department of Transportation may now own or may
41 acquire; to acquire by gift, purchase, or otherwise, any road or highway, or
42 tract of land or other property whatsoever that may be necessary for a State
43 transportation system and adjacent utility rights-of-way: Provided, all
44 changes or alterations authorized by this subdivision shall be subject to the
45 provisions of G.S. 136-54 to 136-63, to the extent that said sections are
46 applicable: Provided, that nothing in this Chapter shall be construed to
47 authorize or permit the Department of Transportation to allow or pay
48 anything to any county, township, city or town, or to any board of
49 commissioners or governing body thereof, for any existing road or part of
50 any road heretofore constructed by any such county, township, city or town,

1 unless a contract has already been entered into with the Department of
2 Transportation.
3

4 **SECTION 5. G.S. 136-18(12b) reads as rewritten:**

5 **"§ 136-18. Powers of Department of Transportation.**

6 The said Department of Transportation is vested with the following powers:
7

8 ...
9 (12b) To issue "GARVEE" bonds (Grant Anticipation Revenue Vehicles) or other
10 eligible debt-financing instruments to finance federal-aid highway projects
11 using federal funds to pay a portion of principal, interest, and related bond
12 issuance costs, as authorized by 23 U.S.C. § 122, as amended (the National
13 Highway System Designation Act of 1995, Pub. L. 104-59). These bonds
14 shall be issued by the State Treasurer on behalf of the Department and shall
15 be issued pursuant to an order adopted by the Council of State under
16 G.S. 159-88. The State Treasurer shall develop and adopt appropriate debt
17 instruments, consistent with the terms of the State and Local Government
18 Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, for use
19 under this subdivision. Prior to issuance of any "GARVEE" or other eligible
20 debt instrument using federal funds to pay a portion of principal, interest,
21 and related bond issuance costs, the State Treasurer shall determine (i) that
22 the total outstanding principal of such debt does not exceed the total amount
23 of federal transportation funds authorized to the State in the prior federal
24 fiscal year; or (ii) that the maximum annual principal and interest of such
25 debt does not exceed fifteen percent (15%) of the expected average annual
26 federal revenue shown for the ~~seven-year~~ period in the most recently
27 adopted Transportation Improvement Program. Notes issued under the
28 provisions of this subdivision may not be deemed to constitute a debt or
29 liability of the State or of any political subdivision thereof, or a pledge of the
30 full faith and credit of the State or of any political subdivision thereof, but
31 shall be payable solely from the funds and revenues pledged therefor. All the
32 notes shall contain on their face a statement to the effect that the State of
33 North Carolina shall not be obligated to pay the principal or the interest on
34 the notes, except from the federal transportation fund revenues as shall be
35 provided by the documents governing the revenue note issuance, and that
36 neither the faith and credit nor the taxing power of the State of North
37 Carolina or of any of its political subdivisions is pledged to the payment of
38 the principal or interest on the notes. The issuance of notes under this Part
39 shall not directly or indirectly or contingently obligate the State or any of its
40 political subdivisions to levy or to pledge any form of taxation whatever or
41 to make any appropriation for their payment.

41"

42 **SECTION 6. G.S. 136-18(38) reads as rewritten:**

43 **"§ 136-18. Powers of Department of Transportation.**

44 The said Department of Transportation is vested with the following powers:
45

46 ...
47 (38) To enter into agreements with municipalities, counties, governmental
48 entities, or nonprofit corporations to receive funds for the ~~purpose~~ purposes
49 of advancing right-of-way acquisition or the construction schedule of a
50 project identified in the Transportation Improvement Program. If these funds
51 are subject to repayment by the Department, prior to receipt of funds,
reimbursement of all funds received by the Department shall be shown in the

1 existing Transportation Improvement Program and shall be reimbursed
 2 within ~~seven years of receipt~~. the period of the existing Transportation
 3 Improvement Program.

4"

5 SECTION 7. G.S. 136-18(39) reads as rewritten:

6 "**§ 136-18. Powers of Department of Transportation.**

7 The said Department of Transportation is vested with the following powers:

8 ...
 9 (39) To enter into partnership agreements with ~~the North Carolina Turnpike~~
 10 ~~Authority~~, private entities, and authorized political subdivisions to finance,
 11 by tolls, contracts, and other financing methods authorized by law, the cost
 12 of acquiring, constructing, equipping, maintaining, and operating
 13 transportation infrastructure in this State, and to plan, design, develop,
 14 acquire, construct, equip, maintain, and operate transportation infrastructure
 15 in this State. An agreement entered into under this subdivision requires the
 16 concurrence of the Board of Transportation. The Department shall report to
 17 the Chairs of the Joint Legislative Transportation Oversight Committee, the
 18 Chairs of the House of Representatives Appropriations Subcommittee on
 19 Transportation, and the Chairs of the Senate Appropriations Committee on
 20 the Department of Transportation, at the same time it notifies the Board of
 21 Transportation of any proposed agreement under this subdivision. Any
 22 contracts for construction of highways, roads, streets, and bridges which are
 23 awarded pursuant to an agreement entered into under this section shall
 24 comply with the competitive bidding requirements of Article 2 of this
 25 Chapter.

26"

27 SECTION 8. G.S. 136-18(40) reads as rewritten:

28 "**§ 136-18. Powers of Department of Transportation.**

29 The said Department of Transportation is vested with the following powers:

30 ...
 31 (40) To expand public access to coastal waters in its road project planning and
 32 construction programs. The Department shall work with the Wildlife
 33 Resources Commission, other State agencies, and other government entities
 34 to address public access to coastal waters along the roadways, bridges, and
 35 other transportation infrastructure owned or maintained by the Department.
 36 The Department shall adhere to all applicable design standards and
 37 guidelines in implementation of this enhanced access. ~~The Department shall~~
 38 ~~report on its progress in expanding public access to coastal waters to the~~
 39 ~~Joint Legislative Commission on Seafood and Aquaculture and to the Joint~~
 40 ~~Legislative Transportation Oversight Commission no later than March 1 of~~
 41 ~~each year.~~

42"

43 SECTION 9. G.S. 136-28.4 reads as rewritten:

44 "**§ 136-28.4. State policy concerning participation by disadvantaged minority-owned and**
 45 **women-owned businesses in highway transportation contracts.**

46 (a) It is the policy of this State, based on a compelling governmental interest, to
 47 encourage and promote participation by disadvantaged minority-owned and women-owned
 48 businesses in contracts let by the Department pursuant to this Chapter for the planning, design,
 49 preconstruction, construction, alteration, or maintenance of State ~~highways, roads, streets, or~~
 50 ~~bridges~~ transportation infrastructure and in the procurement of materials for these projects. All
 51 State agencies, institutions, and political subdivisions shall cooperate with the Department of

1 Transportation and among themselves in all efforts to conduct outreach and to encourage and
2 promote the use of disadvantaged minority-owned and women-owned businesses in these
3 contracts.

4 (b) At least every five years, the Department shall conduct a study on the availability
5 and utilization of disadvantaged minority-owned and women-owned business enterprises and
6 examine relevant evidence of the effects of race-based or gender-based discrimination upon the
7 utilization of such business enterprises in contracts for planning, design, preconstruction,
8 construction, alteration, or maintenance of State ~~highways, roads, streets, or bridges~~
9 transportation infrastructure and in the procurement of materials for these projects. Should the
10 study show a strong basis in evidence of ongoing effects of past or present discrimination that
11 prevents or limits disadvantaged minority-owned and women-owned businesses from
12 participating in the above contracts at a level which would have existed absent such
13 discrimination, such evidence shall constitute a basis for the State's continued compelling
14 governmental interest in remedying such race and gender discrimination in ~~highway~~
15 transportation contracting. Under such circumstances, the Department shall, in conformity with
16 State and federal law, adopt by rule and contract provisions a specific program to remedy such
17 discrimination. This specific program shall, to the extent reasonably practicable, address each
18 barrier identified in such study that adversely affects contract participation by disadvantaged
19 minority-owned and women-owned businesses.

20 (b1) Based upon the findings of the Department's ~~Second Generation Disparity Study~~
21 ~~completed in 2004~~, 2009 study entitled "Measuring Business Opportunity: A Disparity Study of
22 NCDOT's State and Federal Programs" hereinafter referred to as "Study", the program design
23 shall, to the extent reasonably practicable, incorporate narrowly tailored remedies identified in
24 the Study, and the Department shall implement a comprehensive antidiscrimination
25 enforcement policy. As appropriate, the program design shall be modified by rules adopted by
26 the Department that are consistent with findings made in the Study and in subsequent studies
27 conducted in accordance with subsection (b) of this section. As part of this program, the
28 Department shall review its budget and establish ~~annual~~ aspirational goals every three years,
29 not mandatory goals, in percentages, for the overall participation in contracts by disadvantaged
30 minority-owned and women-owned businesses. These ~~annual~~ aspirational goals for
31 disadvantaged minority-owned and women-owned businesses shall be established consistent
32 with ~~federal methodology specified in the Study~~, methodology, and they shall not be applied
33 rigidly on specific contracts or projects. Instead, the Department shall establish
34 contract-specific goals or project-specific goals for the participation of such firms in a manner
35 consistent with availability of disadvantaged minority-owned and women-owned businesses, as
36 appropriately defined by its most recent Study, for each disadvantaged minority-owned and
37 women-owned business category that has demonstrated significant disparity in contract
38 utilization. Nothing in this section shall authorize the use of quotas. Any program implemented
39 as a result of the Study conducted in accordance with this section shall be narrowly tailored to
40 eliminate the effects of historical and continuing discrimination and its impacts on such
41 disadvantaged minority-owned and women-owned businesses without any undue burden on
42 other contractors. The Department shall give equal opportunity for contracts it lets without
43 regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as
44 defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

45 (c) The following definitions apply in this section:

- 46 (1) "Disadvantaged ~~business~~Business" has the same meaning as "disadvantaged
47 business enterprise" in 49 C.F.R. § 26.5 Subpart A or any subsequently
48 promulgated replacement regulation.
49 (2) "Minority" includes only those racial or ethnicity classifications identified by
50 a study conducted in accordance with this section that have been subjected to

1 discrimination in the relevant marketplace and that have been adversely
2 affected in their ability to obtain contracts with the Department.

3 (3) "Women" means nonminority persons born of the female sex.

4 (d) The Department shall report ~~semiannually~~annually to the Joint Legislative
5 Transportation Oversight Committee on the utilization of disadvantaged minority-owned
6 businesses and women-owned businesses and any program adopted to promote contracting
7 opportunities for those businesses. Following each study of availability and utilization, the
8 Department shall report to the Joint Legislative Transportation Oversight Committee on the
9 results of the study for the purpose of determining whether the provisions of this section should
10 continue in force and effect.

11 (e) This section expires August 31, ~~2010~~ 2014."

12 **SECTION 10. G.S. 136-89.189 reads as rewritten:**

13 **"§ 136-89.189. Turnpike Authority revenue bonds.**

14 The Authority shall be a municipality for purposes of Article 5 of Chapter 159 of the
15 General Statutes, the State and Local Government Revenue Bond Act, and may issue revenue
16 bonds pursuant to that Act to pay all or a portion of the cost of a Turnpike Project or to refund
17 any previously issued bonds. In connection with the issuance of revenue bonds, the Authority
18 shall have all powers of a municipality under the State and Local Government Revenue Bond
19 Act, and revenue bonds issued by the Authority shall be entitled to the protection of all
20 provisions of the State and Local Government Revenue Bond Act.

21 Except as provided in this section, the provisions of Chapter 159 of the General Statutes,
22 the Local Government Finance Act, apply to revenue bonds issued by the Turnpike Authority.

23 (1) The term of a lease between the Turnpike Authority and the Department
24 executed prior to July 27, 2009, for all or any part of a Turnpike Project may
25 exceed 40 years, as agreed by the Authority and the Department.

26 (2) The maturity date of a refunding bond may extend to the earlier of the
27 following:

28 a. Forty years from the date of issuance of the refunding bond.

29 b. The date the Turnpike Authority determines is the maturity date
30 required for the Turnpike Project funded with the refunding bonds to
31 generate sufficient revenues to retire the refunding bonds and any
32 other outstanding indebtedness issued for that Project. The
33 Authority's determination of the appropriate maturity date is
34 conclusive and binding. In making its determination, the Authority
35 may take into account appropriate financing terms and conventions."

36 **SECTION 11. G.S. 143B-348 reads as rewritten:**

37 **"§ 143B-348. Department of Transportation – head; rules, regulations, etc., of Board of
38 Transportation.**

39 The Secretary of Transportation shall be the head of the Department of Transportation. He
40 shall carry out the day-to-day operations of the Department and shall be responsible for
41 carrying out the policies, programs, priorities, and projects approved by the Board of
42 Transportation. He shall be responsible for all other transportation matters assigned to the
43 Department of Transportation, except those reserved to the Board of Transportation by statute.
44 Except as otherwise provided for by statute, the Secretary shall have all the powers and duties
45 as provided for in Article 1 of Chapter 143B including the responsibility for all management
46 functions for the Department of Transportation. The Secretary shall be vested with authority to
47 adopt design criteria, construction specifications, and standards as required for the Department
48 of Transportation to construct and maintain highways, bridges, and ferries. The Secretary or the
49 Secretary's designee shall be vested with authority to promulgate rules and regulations
50 concerning all transportation functions assigned to the Department.

1 All rules, regulations, ordinances, specifications, standards, and criteria adopted by the
2 Board of Transportation and in effect on July 1, 1977, shall continue in effect until changed by
3 the Board of Transportation or the Secretary of Transportation. The Secretary shall have
4 complete authority to modify any of these matters existing on July 1, 1977, except as
5 specifically restricted by the Board. Whenever any such criteria, rule, regulation, ordinance,
6 specification, or standards are continued in effect under this section and the words "Board of
7 Transportation" are used, the words shall mean the "Department of Transportation" unless the
8 context makes such meaning inapplicable. All actions pending in court by or against the Board
9 of Transportation may continue to be prosecuted in that name without the necessity of formally
10 amending the name to the Department of Transportation."

11 **SECTION 12.** G.S. 143B-350(f)(4) reads as rewritten:

12 "(f) Duties of the Board. – The Board of Transportation has the following duties and
13 powers:

14 ...

- 15 (4) To approve a schedule of all major transportation improvement projects and
16 their anticipated ~~cost for a period of seven years into the future.~~ cost. This
17 schedule is designated the Transportation Improvement Program; it must be
18 published and copies must be available for distribution. The document that
19 contains the Transportation Improvement Program, or a separate document
20 that is published at the same time as the Transportation Improvement
21 Program, must include the anticipated funding sources for the improvement
22 projects included in the Program, a list of any changes made from the
23 previous year's Program, and the reasons for the changes.

24"

25 **SECTION 13.** G.S. 143B-350(f)(13) is repealed.

26 **SECTION 14.** G.S. 159-81(1) reads as rewritten:

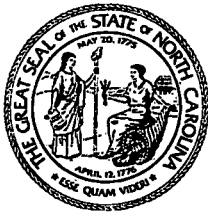
27 **"§ 159-81. Definitions.**

28 The words and phrases defined in this section shall have the meanings indicated when used
29 in this Article:

- 30 (1) "Municipality" means a county, city, town, incorporated village, sanitary
31 district, metropolitan sewerage district, metropolitan water district, county
32 water and sewer district, water and sewer authority, hospital authority,
33 hospital district, parking authority, special airport district, special district
34 created under Article 43 of Chapter 105 of the General Statutes, regional
35 public transportation authority, regional transportation authority, regional
36 natural gas district, regional sports authority, airport authority, joint agency
37 created pursuant to Part 1 of Article 20 of Chapter 160A of the General
38 Statutes, a joint agency authorized by agreement between two cities to
39 operate an airport pursuant to G.S. 63-56, and the North Carolina Turnpike
40 Authority ~~created pursuant to described in~~ Article 6H of Chapter 136 of the
41 General Statutes, Statutes and transferred to the Department of
42 Transportation pursuant to G.S. 136-89.182(b), but not any other forms of
43 State or local government.

44"

45 **SECTION 15.** This act is effective when it becomes law.



SENATE BILL 595: Pedestrian Safety Improvements

2009-2010 General Assembly

Committee: Senate Transportation
Introduced by: Sen. Goodall
Analysis of: Fifth Edition

Date: June 22, 2010
Prepared by: Brenda J. Carter
Committee Counsel

SUMMARY: *Senate Bill is referred to the Senate Transportation Committee on the question of concurrence in the House Committee Substitute. As introduced, the bill had to do with advance directives on drivers licenses. The current edition of the bill would require the Department of Transportation to accept and use any funding provided by a municipal government for a pedestrian safety improvement project on a state road within the city limits, as long as the municipality funds 100% of the project and DOT retains the right to approve the design and oversee the construction, erection, or installation of the improvement.*

CURRENT LAW: G.S. 136-66.3 authorizes, but does not require, DOT to use municipal funds on highway improvements.

BILL ANALYSIS: Senate Bill 595 would require DOT to accept and use any funding a municipal government provides for a pedestrian safety improvement project within the municipality's limits, with two conditions:

1. That the municipality funds 100% of the project.
2. That DOT retains the right to approve the design and oversee the construction, erection, or installation of the improvement.

EFFECTIVE DATE: The bill would become effective July 1, 2010.

Bill Gilkeson, counsel to House Judiciary I, substantially contributed to this summary.

S595-SMRV-133(e5) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 595
Health Care Committee Substitute Adopted 5/13/09
Third Edition Engrossed 5/14/09
House Committee Substitute Favorable 6/4/09
House Committee Substitute #2 Favorable 6/15/10

Short Title: Pedestrian Safety Improvements.

(Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ACCEPT AND
USE MUNICIPAL FUNDING FOR PEDESTRIAN SAFETY IMPROVEMENTS ON
STATE ROADS WITHIN MUNICIPAL LIMITS.

The General Assembly of North Carolina enacts:

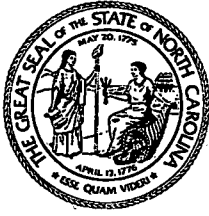
SECTION 1. G.S. 136-66.3 is amended by adding a new subsection to read:

"(c4) Pedestrian Safety Improvements. – The Department of Transportation shall accept and use any funding provided by a municipal government for a pedestrian safety improvement project on a State road within the municipality's limits, provided the municipality funds one hundred percent (100%) of the project and the Department of Transportation retains the right to approve the design and oversee the construction, erection, or installation of the pedestrian safety improvement."

SECTION 2. This act becomes effective July 1, 2010.



* 5 5 9 5 - V - 5 *



SENATE BILL 181: Drivers Licenses Change Expir./8 yrs to 65

2009-2010 General Assembly

Committee: Senate Transportation
Introduced by: Sen. Shaw
Analysis of: S181-CSRV-69
PCS to First Edition

Date: June 22, 2010
Prepared by: Brenda J. Carter
Committee Counsel

SUMMARY: *Senate Bill 181 would increase the age cap for persons eligible to be issued an eight-year drivers license, raising the age cap from 54 to 65 years of age. The proposed committee substitute corrects the effective date.*

CURRENT LAW: Under current law, a drivers license issued to a person at least 18 years old but less than 54 years old expires on the birthday of the license in the eighth year after issuance. A drivers license issued to a person who is 54 or older expires in the fifth year after issuance.

BILL ANALYSIS: Senate Bill 181 would increase the age limit for persons eligible to be issued an eight-year drivers license, raising the age limit from 54 to 65. A license issued to a driver 65 or older would be valid for 5 years.

EFFECTIVE DATE: The bill would become effective January 1, 2001 and apply to any drivers license issued on or after that date.

S181-SMRV-132(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 181

Short Title: Drivers Licenses Change Expir./8 yrs to 65.

(Public)

Sponsors: Senator Shaw.

Referred to: Commerce.

February 17, 2009

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A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AGE CAP OF PERSONS RECEIVING AN EIGHT-YEAR
DRIVERS LICENSE FROM FIFTY-FOUR YEARS OF AGE TO SIXTY-FIVE YEARS
OF AGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(f)(2) reads as rewritten:

"(2) Duration of original license for persons at least 18 years of age or older. – A drivers license issued to a person at least 18 years old but less than ~~54~~65 years old expires on the birthday of the licensee in the eighth year after issuance. A drivers license issued to a person at least ~~54~~65 years old expires on the birthday of the licensee in the fifth year after issuance. A commercial drivers license that has a vehicles carrying passengers (P) and school bus (S) endorsement issued pursuant to G.S. 20-37.16 shall expire on the birth date of the licensee three years after the date of issuance, if the licensee is certified to drive a school bus in North Carolina."

SECTION 2. G.S. 20-7(f)(2a) reads as rewritten:

"(2a) Duration of renewed licenses. – A renewed drivers license that was issued by the Division to a person at least 18 years old but less than ~~54~~65 years old expires eight years after the expiration date of the license that is renewed. A renewed drivers license that was issued by the Division to a person at least ~~54~~65 years old expires five years after the expiration date of the license that is renewed."

SECTION 3. This act becomes effective January 1, 2010, and applies to any drivers license issued on or after that date.



AGENDA

SENATE TRANSPORTATION COMMITTEE

June 24, 2010

IMMEDIATELY AFTER SESSION

Room 1027, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

HB 1729 Motor Vehicles Law Changes

Representative Cole

III. Other Business

IV. Adjournment

VISITOR REGISTRATION SHEET

Senate Transportation Committee

June 24, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ardis Watkins	SEDC
Darryl Williams	RANC - TAG Agency
Carl Dean	DSP
Gene Casby	NEMA
John P. ...	NEMA
Patricia Valerini	NW
Patrick Buffkin	NCAEC
Johanna Reese	DOT
Kathryn Westcott	NCEC/NC
Paul Sherman	NCFB
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety

MINUTES

SENATE TRANSPORTATION COMMITTEE

**Thursday, June 24, 2010
Immediately After Session
1027 Legislative Building**

Sen. Shaw called meeting to order.

Rep. Cole was called to explain HB 1729, Motor Vehicles Law Changes. The biggest issue relatively speaking is the change to the transporter plate. The dealer can lose their license for misuse of the transporter plate. There are provisions that will assist others as we tweak legislation. The amendment amends two provisions that have the same definition in regards to miles being driven. Senator Brown excuses himself from debate. Motion approves PCS to be brought forth before the Committee. Representative Cole eliminates \$1 mail-in registration fee which is attached to whatever the cost of the plate is. Most people do not notice the additional fee, resulting in back and forth mails. More importantly, the eliminated fee saves a lot of time for the Division of Motor Vehicles.

Senator Dickson moves to amend the PCS on page 6, line 28 by deleting 10 miles and substituting 20 miles. Senator Dickson explained the amendment makes it consistent with language of the bill. Representative Cole stated in certain cases the additional mileage allows for the vehicle's system to reset itself after service. Before the amendment, the language stated independent repair shop has 10 miles and the factory dealers have 20 miles. The amendment was approved.

Senator Apodaca stated he had a mechanic to call to ask will they be able to have a transporter plate. Representative Cole replied yes and just for further information, over half of our counties do not require a business license. Senator Goss asked was the intent of the bill to add other specialty plates. Representative Cole answered no, this further clarifies the one (the plate) that is already there. Senator Goss asked was there a moratorium on specialty plates. Representative Cole replied yes, some plates are not recognizable as North Carolina plates anymore because of the difference in color.

Senator McKissick stated there were a couple of provisions in the PCS about which he was concerned. McKissick stated on page 4 of the PCS, it looks like we are changing parking on highway shoulders and changing the duration of intersection. Additionally, Bladen County seems to be replacing the out of state contractor with state employees. McKissick asked why we are doing these things. Johanna Reese, representative of the Department of Transportation responded the section regarding Bladen County was pertaining to a call center. This section serves as a clarification of legislation passed last year in which the language was not quite right. The contractor is out of state answering phone calls. There is an existing call center in North Carolina in Bladen Center and this

serves to bring those jobs back to North Carolina and to be able to answer calls all in the same place. Senator McKissick asked if there were any penalties in terminating contract. Ms. Reese responded no, the attorneys have worked through all of that.

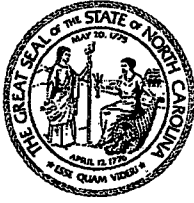
Senator McKissick asked about parking on highway shoulders and red light cameras sections of the PCS. Representative Cole replied in regards to the interval for the caution light, the PCS makes the interval uniformed to whatever is the standard. This is so that you cannot change the interval to make it quicker to snap pictures and give people tickets. Senator McKissick stated he was concerned about giving people the benefit of the caution light period and not trying to ticket them if they are going through the caution light. Representative Cole replied that is exactly what this is, for caution lights to remain at that constant interval.

Senator McKissick asked to know the issue in parking on shoulders of highways. Representative Cole replied people from time to time will abandon vehicles on sides of bridges and highways creating safety hazards. This says people cannot do that; the vehicles have to be removed. Senator McKissick asked were Sections 13, 14, and 15 addressing the same issue. Ms. Reese addressed the Committee to state the yellow light interval is the existing statute and that is not being changed. There is a technical change to the name of the professional manual, referencing the name used nationwide for arriving traffic standards. In regards to parking on side of road, the PCS offers clarification of confusing language in the statute. The confusion concerns the difference of being in city limits or out of city limits; the language changes to help with that clarification. Senator McKissick asked is the standard the same within or out of city limits. Ms. Reese answered a driver does not have to know if the driver is within or without city limits.

Senator McKissick asked in regards to the move over law provision, if he is a utility company and he is trying to get power reestablished in relation to an unplanned event, he has to wonder why we are ticketing those folks who do not move over to another lane. Ms. Reese replied the language was requested by utility companies. Senator McKissick asked are we trying to get an exclusion for the utility companies because he read the summary as we need to include them as regular motorists on the road. Ms. Reese answered no; it is the drivers that have to move over for the utility companies. If they are on the side of the road repairing something, drivers have to move over. Senator Vaughn stated the move over law is a nightmare; does this carry insurance points? Ms. Reese replied she did not know. Staff Attorney Brenda Carter stated she can find out for him. Senator Vaughn asked would this provision be treated the same as moving over for an emergency vehicle. Representative Cole stated he could give a partial response. Cole has talked with people in utility company and asked them to get with the Department of Transportation to develop language to be posted on the back of the trucks to say move over it's the law. Senator Vaughn stated his question concerns the point system, so before this goes forth he wanted it to be looked int. Senator Shaw replied Staff will look into it and get that answer to Senator Vaughn. Senator McKissick stated if people are required to move over, the trucks need to have some sort of flashing light. Ms. Reese replied language is in place that says the light must be operating and be amber in color.

Senator Vaughn stated the problem is they are using this to establish probable cause to pull over people. The PCS was approved.

Meeting adjourned.



HOUSE BILL 1729: Motor Vehicles Law Changes

2009-2010 General Assembly

Committee:	Senate Ref to Transportation. If fav, re-ref to Finance	Date:	June 23, 2010
Introduced by:	Rep. Cole	Prepared by:	Brenda J. Carter
Analysis of:	H1729-CSR-71		Committee Counsel

SUMMARY: *House Bill 1729 makes various changes to the State's motor vehicle laws.*

[As introduced, this bill was identical to S1132, as introduced by Sen. Goss, which is currently in Senate Ref to Transportation. If fav, re-ref to Finance.]

BILL ANALYSIS:

5-year CDL expiration date

Section 1 of the bill changes the expiration date of a commercial drivers license (CDL) to the birth date of the licensee in the fifth year after issuance.

Special registration plates on certain property-hauling vehicles

Section 2 of the bill specifies that special registration plates issued to vehicles 7,000 lbs. to 26,000 lbs. are not required to include the word "weighted".

License plate covers

Section 3 of the bill provides that any operator of a motor vehicle who covers any registration number, registration letter, or the State name on a registration plate, number on a year sticker, or number on a month sticker with any frame or transparent clear or color-tinted cover that makes the registration numbers, registration letters, the State name, or the numbers on the stickers illegible commits an infraction.

Repeal emergency use of registration plates

Section 4 of the bill repeals G.S. 20-64.2, which authorizes the DMV Commissioner to allow emergency use of a registration plate on another vehicle when the vehicle for which it was originally issued is being repaired.

Text of repealed G.S 20-64.2:

§ 20-64.2. Permit for emergency use of registration plate.

The Commissioner may, if in his opinion it is equitable, grant to the licensee a special permit for the use of a registration plate on a vehicle other than the vehicle for which the plate was issued, when the vehicle for which such plate was issued is undergoing repairs in a regular repair shop or garage.

Application for such permit shall be made on forms provided by the Division and must show, in addition to such other information as may be required by the Commissioner, that an emergency exists which would warrant the issuance of such permit.

Such permit shall be evidenced by a certificate issued by the Commissioner and which shall show the time of issuance, the person to whom issued, the motor number, serial number or identification number of the vehicle on which such plate is to be used and shall be in the immediate possession of the person operating such vehicle at all times while operating the same. And such certificate shall be valid only so long as the vehicle for which the registration plate has been issued shall remain in the repair shop or garage but not to exceed a period of 20 days from its issuance. The person to whom the permit provided in this section is issued shall be liable for any additional license fees or penalties that might accrue by reason of the provisions of G.S. 20-86 and 20-96 of the General Statutes. (1957, c. 402; 1975, c. 716, s. 5.)

Dealer plate changes

Section 5 of the bill makes the following changes to State law governing dealer plates:

House Bill 1729

Page 2

- increases the number of plates that may be issued to most dealers by 2, and increases the cap for larger dealers to no more than 5 times the average number of qualifying sales representatives employed by the dealer. The current fee for a dealer license plate is \$28 for each of the first five plates issued to the same dealer and \$14 for each additional dealer license plate issued to the same dealer.
- authorizes specified employees to operate vehicles with dealer plates and dealer transporter plates.
- Increases the dealer license plate sanctions as follows: increases the penalty imposed on individual driving a vehicle from \$50 to \$100, increases the penalty imposed on the dealer from \$200 to \$250.

Transporter plate changes

Section 6 of the bill makes the following changes to State law governing issuance of transporter plates:

- clarifies who can obtain a transporter plate: a business or dealer licensed under the Motor Vehicle Dealers and Manufacturers Licensing Law requiring the limited operation of a motor vehicle for the listed purposes.
- requires a business using a transporter plate for repossession to have proof of garage liability insurance, and limits issuance to a financial institution that is the recorded lien holder.
- authorizes transporter plate in order to pick up and deliver a vehicle that is to be repaired, is to undergo a safety or emissions inspection, or is to be prepared for sale, to road-test the vehicle, if it is repaired or inspected within a 20-mile radius of the place it is repaired or inspected, and to deliver the vehicle to the dealer. Also limits who may perform the road test. Transporter plates issued to a repair facility are limited to two transporter plates for each business.
- limits issuance of transporter plate to move a motor vehicle that is owned by the business and is a replaced vehicle offered for sale, to a business that has 10 or more registered vehicles.
- limits issuance of transporter plates to move vehicles to and from an auction, to licensed dealers or to a business contracted by the dealer to deliver vehicles to or from an auction. Any business contracted by the dealer must have a privilege license & financial responsibility.
- requires applicants for a transporter plate for use in road testing a repaired truck to show proof of garage liability insurance.
- authorizes use of transporter plate to move a newly manufactured travel trailer, fifth-wheel trailer, or camping trailer between a manufacturer and a dealer, but the transporter plate may not be used on the power unit. (Current law authorizes use of a transporter plate to move a mobile office, a mobile classroom, or a mobile or manufactured home.)
- authorizes use of a transporter plate to transport a vehicle at least 35 years old to and from a parade or another public event, if the vehicle is titled in this State, and has proof of insurance. (Current law requires a transporter plate to transport a vehicle at least 25 years old.)
- Restricts the authorized use of transporter plates to move a vehicle that is part of dealer inventory to and from a vehicle trade show or parade in which it is used. Issuance of the plate is limited to licensed dealers.
- provides that the total number of dealer transporter or dealer plates issued to a dealer may not exceed the total number of plates that can be issued under G.S. 20-79(b).

House Bill 1729

Page 3

- amends the transporter plate sanctions to provide that they apply to violations of the section's requirements for financial responsibility; increases the infraction penalties imposed on individual driving a vehicle from \$50 to \$100; increases the infraction penalty imposed on the person, dealer, or business to whom plate is issued from \$200 per occurrence to \$250 per occurrence; requires DMV to rescind dealer or transporter plates for violations, and makes unlawful sale or rental of a transporter plate a Class I Felony.
- authorizes a law enforcement officer having probable cause to believe that a transporter plate is being used in violation of this section to seize the plate.
- authorizes staggered issuance of transporter plates.
- requires DMV to rescind a transporter plate or dealer transporter plate that is displayed on a motor vehicle for a purpose that is not authorized.
- requires any vehicle being operated on the highways of the State using a transporter plate to have liability insurance.

Free special plate clarification/Fee for special plate on property-hauling vehicle

Section 7 of the bill clarifies that recipients of the Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War may receive one *special* registration plate free of charge. The bill, however, requires recipients of the above plates for use on a vehicle with a registered weight of greater than 6,000 pounds, to pay the registration fees assessed in G.S. 20-88. Currently, DMV is not charging a registration fee for the initial plate for a vehicle with a registered weight of 6,000 pounds or less.

Repeal \$1 mail-in registration renewal fee

Section 8 of the bill repeals the postage and handling fee of \$1 for mail-in registration renewal.

Amend separate registration for logging trucks

Section 9 of the bill amends the DMV's requirement for separately registering logging vehicles to help the IRS identify these vehicles as logging vehicles and, therefore, subject to a reduced federal highway use tax. The IRS imposes a highway use tax on motor vehicles over a certain weight. The tax rate for vehicles weighing at least 55,000 pounds, but not over 75,000 pounds is \$100 per year plus \$22 for each 1,000 pounds in excess of 55,000 pounds. The tax rate for vehicles over 75,000 pounds is \$550. The tax rate is reduced by 25% if the motor vehicle is used exclusively for logging. The term "logging" is defined as the harvesting of timber and transportation from a forested site to places of sale. (Added in House Finance, earlier version of HB 1729 repealed the statute)

Light-traffic road limitations

Section 10 of the bill amends the light-traffic road limitations to state that a vehicle's point of origin will be treated as a light-traffic road if the point of origin is a non light-traffic road and that road is blocked by light-traffic roads from all directions and is not contiguous with other non light-traffic roads. Exempts from the weight and penalty limitations the following: vehicles hauling animal waste products from the animal waste storage site to a farm or field. Adds clarifying language to the exemption for livestock or poultry transported from their point of origins to a processing plant.)

Incident Management Assistance Patrol use of red lights

Section 11 of the bill authorizes use of red lights on Incident Management Assistance Patrol vehicles operated by DOT.

House Bill 1729

Page 4

Extend move-over law to electric utility restoration vehicles

Section 12 of the bill extends the "move-over" when passing a parked emergency vehicle law so that it applies to vehicles being used to restore electric utility service due to an unplanned event.

Parking on highway and highway shoulder changes

Section 13 of the bill changes the current prohibition on parking on the *paved or main traveled* portion of a highway or highway bridge *outside municipalities* to a prohibition on parking on the *main traveled* portion of *all* highways with a *speed limit posted less than 45 miles per hour*.

Section 14 of the bill prohibits parking upon the *paved or main-traveled* portion of any highway or highway bridge *with the speed limit posted 45 miles per hour or greater*.

Section 15 of the bill expands the current prohibition on parking on the *shoulder* of a highway *outside municipalities* to *all* highways, both in and outside of municipalities.

Transporter plate misuse grounds for revoking motor vehicle dealer license.

Section 16 of the bill specifies that misuse of transporter plates is grounds for revoking a motor vehicle dealer license.

Yellow light duration at red light camera intersections

Sections 17, 18, and 19 of the bill amend the red light camera laws to change the standard to be used to determine the duration of a yellow light at red light camera intersections from the yellow light duration specified in the DOT Signals and Geometrics Section Design Manual to the duration in the traffic signal plan of record signed and sealed by a licensed professional engineer, and in compliance with the Manual on Uniform Traffic Control Devices.

Removal of abandoned vehicles on streets

Section 20 of the bill changes the statute that authorizes municipalities to prohibit the abandonment of motor vehicles on public streets and on private property. This section would allow the removal and disposal of abandoned vehicles left on a public street at any time, if the motor vehicle is determined to be a hazard to the motoring public. Current law requires removal only if the vehicles has been left for longer than seven days.

Inspection Program Call Center

Section 21 of the bill amends the language in S.L. 2009-451, as added by S.L. 2009-575 concerning the replacement of out-of-state contractors with State employees at an existing call center in Bladen County.

EFFECTIVE DATE: Sections 21 and 22 of this act are effective when the act becomes law. The remainder of the act becomes effective December 1, 2010, and applies to offenses committed on or after that date.

Staff Attorneys Giles Perry and Martha Walston substantially contributed to this summary.

H1729-SMRV-135(H1729-CSR-71) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1729*
Committee Substitute Favorable 5/27/10
Committee Substitute #2 Favorable 6/9/10
Committee Substitute #3 Favorable 6/16/10
PROPOSED SENATE COMMITTEE SUBSTITUTE H1729-CSR-V-71 [v.1]

6/23/2010 4:21:48 PM

Short Title: Motor Vehicles Law Changes.

(Public)

Sponsors:

Referred to:

May 17, 2010

A BILL TO BE ENTITLED

2 AN ACT TO SPECIFY THE DATE OF EXPIRATION OF A COMMERCIAL DRIVERS
3 LICENSE; CLARIFY THE WORDING OF A SPECIAL LICENSE PLATE ON A
4 VEHICLE OVER SIX THOUSAND POUNDS; PROHIBIT SPECIFIED LICENSE
5 PLATE COVERS; REPEAL AUTHORIZATION FOR EMERGENCY USE OF
6 REGISTRATION PLATES; MAKE CHANGES TO THE LAW GOVERNING DEALER
7 PLATES AND TRANSPORTER PLATES; CLARIFY ELIGIBILITY FOR CERTAIN
8 FREE LICENSE PLATES; CLARIFY THE FEE FOR A SPECIAL PLATE ON A
9 PROPERTY HAULING VEHICLE; ELIMINATE THE FEE FOR REGISTRATION
10 RENEWAL BY MAIL; AMEND REQUIREMENT FOR SEPARATE REGISTRATION
11 OF LOGGING TRUCKS; MODIFY APPLICATION OF LIGHT-TRAFFIC ROAD
12 LIMITATIONS AND PENALTIES; AUTHORIZE INCIDENT MANAGEMENT
13 ASSISTANCE PATROL VEHICLES TO USE RED LIGHTS; EXTEND
14 APPLICABILITY OF THE MOVE OVER LAW TO VEHICLES BEING USED TO
15 RESTORE ELECTRIC UTILITY SERVICE DUE TO AN UNPLANNED EVENT;
16 MODIFY THE CURRENT PROHIBITION ON PARKING ON HIGHWAYS OR
17 HIGHWAY SHOULDERS; PROVIDE THAT FAILURE TO COMPLY WITH THE
18 LAWS GOVERNING TRANSPORTER PLATES IS GROUNDS FOR DENYING,
19 SUSPENDING, OR REVOKING A DEALER LICENSE; SPECIFY THAT THE
20 YELLOW LIGHT DURATION INTERVAL FOR A TRAFFIC CONTROL
21 PHOTOGRAPHIC SYSTEM BE SET OUT IN A TRAFFIC SIGNAL PLAN SIGNED
22 AND SEALED BY A PROFESSIONAL ENGINEER; CHANGE THE LAW
23 CONCERNING REMOVAL OF ABANDONED VEHICLES FROM STREETS AND
24 HIGHWAYS IN MUNICIPALITIES, EXEMPT HAULERS OF ANIMAL WASTE USED
25 IN AGRIBUSINESS FROM THE WEIGHT RESTRICTIONS ON STATE ROADS, AND
26 CLARIFY REQUIREMENTS FOR DOT INSPECTION PROGRAM CALL CENTER.

27 The General Assembly of North Carolina enacts:

28 SECTION 1. G.S. 20-7(f) reads as rewritten:

29 "(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed
30 pursuant to the provisions of this subsection:

- 1 (1) Duration of license for persons under age 18. – A full provisional license
2 issued to a person under the age of 18 expires on the person's twenty-first
3 birthday.
- 4 (2) Duration of original license for persons at least 18 years of age or older. – A
5 drivers license issued to a person at least 18 years old but less than 54 years
6 old expires on the birthday of the licensee in the eighth year after issuance.
7 A drivers license issued to a person at least 54 years old expires on the
8 birthday of the licensee in the fifth year after issuance. A commercial drivers
9 license shall expire on the birth date of the licensee in the fifth year after
10 issuance. A commercial drivers license that has a vehicles carrying
11 passengers (P) and school bus (S) endorsement issued pursuant to
12 G.S. 20-37.16 shall expire on the birth date of the licensee three years after
13 the date of issuance, if the licensee is certified to drive a school bus in North
14 Carolina.
- 15 (2a) Duration of renewed licenses. – A renewed drivers license that was issued
16 by the Division to a person at least 18 years old but less than 54 years old
17 expires eight years after the expiration date of the license that is renewed. A
18 renewed drivers license that was issued by the Division to a person at least
19 54 years old expires five years after the expiration date of the license that is
20 renewed. A commercial drivers license shall expire on the birth date of the
21 licensee in the fifth year after issuance.
- 22 (3) Duration of license for certain other drivers. – The durations listed in
23 subdivisions (1), (2) and (2a) of this subsection are valid unless the Division
24 determines that a license of shorter duration should be issued when the
25 applicant holds valid documentation issued by, or under the authority of, the
26 United States government that demonstrates the applicant's legal presence of
27 limited duration in the United States. In no event shall a license of limited
28 duration expire later than the expiration of the authorization for the
29 applicant's legal presence in the United States.
- 30 (3a) When to renew. – A person may apply to the Division to renew a license
31 during the 180-day period before the license expires. The Division may not
32 accept an application for renewal made before the 180-day period begins.
- 33 (3b) Renewal for certain members of the Armed Forces and reserve components
34 of the Armed Forces.
- 35 a. The Division may renew a drivers license, without limitation on the
36 period of time before the license expires, if the person applying for
37 renewal is a member of the Armed Forces or of a reserve component
38 of the Armed Forces of the United States and provides orders that
39 place the member on active duty and duty station outside this State.
- 40 b. A person who is a member of a reserve component of the Armed
41 Forces of the United States whose license bears an expiration date
42 that occurred while the person was on active duty outside this State
43 shall be considered to have a valid license until 60 days after the date
44 of release from active duty upon showing proof of the release date,
45 unless the license was rescinded, revoked, or otherwise invalidated
46 under some other provision of law. Notwithstanding the provisions of
47 this sub-subdivision, no license shall be considered valid more than
48 18 months after the date of expiration.
- 49 (4) Renewal by mail. – The Division may renew by mail a drivers license issued
50 by the Division to a person who meets any of the following descriptions:

- 1 a. Is a member of the Armed Forces or a reserve component of the
- 2 Armed Forces of the United States serving on active duty and is
- 3 stationed outside this State.
- 4 b. Is a resident of this State and has been residing outside the State for
- 5 at least 30 continuous days.

6 When renewing a license by mail, the Division may waive the examination
 7 that would otherwise be required for the renewal and may impose any
 8 conditions it finds advisable. A license renewed by mail is a temporary
 9 license that expires 60 days after the person to whom it is issued returns to
 10 this State.

11 (5) License to be sent by mail. – The Division shall issue to the applicant a
 12 temporary driving certificate valid for 20 days, unless the applicant is
 13 applying for renewal by mail under subdivision (4) of this subsection. The
 14 temporary driving certificate shall be valid for driving purposes only and
 15 shall not be valid for identification purposes. The Division shall produce the
 16 applicant's drivers license at a central location and send it to the applicant by
 17 first-class mail at the residence address provided by the applicant, unless the
 18 applicant is ineligible for mail delivery by the United States Postal Service at
 19 the applicant's residence. If the United States Postal Service documents that
 20 it does not deliver to the residential address provided by the applicant, and
 21 the Division has verified the applicant's residential address by other means,
 22 the Division may mail the drivers license to the post office box provided by
 23 the applicant. Applicants whose only mailing address prior to July 1, 2008,
 24 was a post office box in this State may continue to receive their license at
 25 that post office box, provided the applicant's residential address has been
 26 verified by the Division."

27 **SECTION 2.** G.S. 20-63(b) reads as rewritten:

28 "(b) Every license plate shall have displayed upon it the registration number assigned to
 29 the vehicle for which it is issued, the name of the State of North Carolina, which may be
 30 abbreviated, and the year number for which it is issued or the date of expiration. A plate issued
 31 for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more,
 32 must bear the word "commercial," unless the plate is a special registration plate authorized in
 33 G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The
 34 plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word
 35 "weighted," "weighted", unless the plate is a special registration plate authorized in
 36 G.S. 20-79.4.

37 Except as otherwise provided in this subsection, a registration plate issued by the Division
 38 for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less
 39 shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight"
 40 printed at the top of the plate above all other letters and numerals. The background of the plate
 41 shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying
 42 slightly upward and to the right. The following special registration plates do not have to be a
 43 "First in Flight" plate. The design of the plates that are not "First in Flight" plates must be
 44 approved by the Division and the State Highway Patrol for clarity and ease of identification.

- 45 (1) Friends of the Great Smoky Mountains National Park.
- 46 (2) Rocky Mountain Elk Foundation.
- 47 (3) Blue Ridge Parkway Foundation.
- 48 (4) Friends of the Appalachian Trail.
- 49 (5) NC Coastal Federation.
- 50 (6) In God We Trust.
- 51 (7) Stock Car Racing Theme.

- 1 (8) Buddy Pelletier Surfing Foundation.
 2 (9) Guilford Battleground Company.
 3 (10) National Wild Turkey Federation.
 4 (11) North Carolina Aquarium Society.
 5 (12) First in Forestry.
 6 (13) North Carolina Wildlife Habitat Foundation.
 7 (14) NC Trout Unlimited.
 8 (15) Ducks Unlimited.
 9 (16) Lung Cancer Research.
 10 (17) NC State Parks.
 11 (18) Support Our Troops.
 12 (19) US Equine Rescue League.
 13 (20) Fox Hunting.
 14 (21) Back Country Horsemen of North Carolina.
 15 (22) Hospice Care.
 16 (23) Home Care and Hospice.
 17 (24) NC Tennis Foundation.
 18 (25) AIDS Awareness.

19 **SECTION 3.** G.S. 20-63(g) reads as rewritten:

20 "(g) Alteration, Disguise, or Concealment of Numbers. Any operator of a motor
 21 vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially
 22 covered by any bumper, light, spare tire, tire rack, strap, or other device, or who shall paint,
 23 enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a
 24 registration plate or the figures or letters thereon, or who shall place or deposit or cause to be
 25 placed or deposited any oil, grease, or other substance upon such registration plates for the
 26 purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to
 27 change any letter or figure thereon, or who shall display a number plate in other than a
 28 horizontal upright position, shall be guilty of a Class 2 misdemeanor. Any operator of a motor
 29 vehicle who shall willfully cover or cause to be covered any part or portion of a registration
 30 plate or the figures or letters thereon by any device designed or intended to prevent or interfere
 31 with the taking of a clear photograph of a registration plate by a traffic control or toll collection
 32 system using cameras commits an infraction and shall be ~~fined~~ penalized under G.S. 14-3.1.
 33 Any operator of a motor vehicle who shall otherwise intentionally cover any number or
 34 registration renewal sticker on a registration plate with any material that makes the number or
 35 registration renewal sticker illegible commits an infraction and shall be ~~fined~~ penalized under
 36 G.S. 14-3.1. Any operator of a motor vehicle who covers any registration number, registration
 37 letter, or the State name on a registration plate, number on a year sticker, or number on a month
 38 sticker with any frame or transparent clear or color-tinted cover that makes the registration
 39 numbers, registration letters, the State name, or the numbers on the stickers illegible commits
 40 an infraction and shall be penalized under G.S. 14-3.1. Any operator of a motor vehicle who
 41 covers the State name, year sticker, or month sticker on a registration plate with a license plate
 42 frame commits an infraction and shall be fined under G.S. 14-3.1. Nothing in this subsection
 43 shall prohibit the use of transparent covers that do not prevent or interfere with the taking of a
 44 clear photograph of a registration plate by a traffic control or toll collection system using
 45 cameras."

46 **SECTION 4.** G.S. 20-64.2 is repealed.

47 **SECTION 5.** G.S. 20-79 reads as rewritten:

48 **"§ 20-79. Dealer license plates.**

49 (a) How to Get a Dealer Plate. – The Division may issue a person licensed under
 50 Article 12 of this Chapter the appropriate classification of dealer license plate. A person
 51 eligible for a dealer license plate may obtain one by filing an application with the Division and

1 paying the required fee. An application must be filed on a form provided by the Division. The
 2 required fee is the amount set by G.S. 20-87(7).

3 (b) Number of Plates. – A dealer who was licensed under Article 12 of this Chapter for
 4 the previous 12-month period ending December 31 may obtain the number of dealer license
 5 plates allowed by the following table; the number allowed is based on the number of motor
 6 vehicles the dealer sold during the relevant 12-month period and the average number of
 7 qualifying sales representatives the dealer employed during that same 12-month period:

<u>Vehicles Sold In Relevant</u> <u>12-Month Period</u>	<u>Maximum Number of Plates</u>
8 Fewer than 12	9 <u>4</u> <u>3</u>
10 At least 12 but less than 25	11 <u>4</u> <u>6</u>
12 At least 25 but less than 37	13 <u>5</u> <u>7</u>
14 At least 37 but less than 49	15 <u>6</u> <u>8</u>
16 49 or more	17 At least <u>6</u> <u>8</u> , but no more than <u>4</u> <u>5</u> times the 18 average number of qualifying sales representatives 19 employed by the dealer during the relevant 20 12-month period.

21 A dealer who was not licensed under Article 12 of this Chapter for part or all of the
 22 previous 12-month period ending December 31 may obtain the number of dealer license plates
 23 that equals four times the number of qualifying sales representatives employed by the dealer on
 24 the date the dealer files the application. A "qualifying sales representative" is a sales
 25 representative who works for the dealer at least 25 hours a week on a regular basis and is
 26 compensated by the dealer for this work.

27 A dealer who sold fewer than 49 motor vehicles the previous 12-month period ending
 28 December 31 but has sold at least that number since January 1 may apply for additional dealer
 29 license plates at any time. The maximum number of dealer license plates the dealer may obtain
 30 is the number the dealer could have obtained if the dealer had sold at least 49 motor vehicles in
 31 the previous 12-month period ending December 31.

32 A dealer who applies for a dealer license plate must certify to the Division the number of
 33 motor vehicles the dealer sold in the relevant period. Making a material misstatement in an
 34 application for a dealer license plate is grounds for the denial, suspension, or revocation of a
 35 dealer's license under G.S. 20-294.

36 A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two
 37 dealer plates in addition to the number of dealer plates that the dealer would otherwise be
 38 entitled to under this section.

39 This subsection does not apply to manufacturers licensed under Article 12 of this Chapter.

40 (c) Form and Duration. – A dealer license plate is subject to G.S. 20-63, except for the
 41 requirement that the plate display the registration number of a motor vehicle and the
 42 requirement that the plate be a "First in Flight" plate. A dealer license plate must have a
 43 distinguishing symbol identifying the plate as a dealer license plate. The symbol may vary
 44 depending upon the classification of dealer license plate issued. The Division must provide
 45 suitably reduced sized license plates for motorcycle dealers and manufacturers.

46 A dealer license plate is issued for a period of one year. The Division shall vary the
 47 expiration dates of dealer registration renewals so that an approximately equal number expires
 48 at the end of each month, quarter, or other period consisting of one or more months. A dealer
 49 license plate may be transferred from one vehicle to another. When the Division issues a dealer
 50 plate, it may issue a registration that expires at the end of any monthly interval. When one of
 51 the following occurs, a dealer must surrender to the Division all dealer license plates issued to
 the dealer:

- 1 (1) The dealer surrenders the license issued to the dealer under Article 12 of this
- 2 Chapter.
- 3 (2) The Division suspends or revokes the license issued to the dealer under
- 4 Article 12 of this Chapter.
- 5 (3) The Division rescinds the dealer license plates because of a violation of the
- 6 restrictions on the use of a dealer license plate.

7 To obtain a dealer license plate after it has been surrendered, the dealer must file a new
8 application for a dealer license plate and pay the required fee for the plate.

9 (d) Restrictions on Use. – A dealer license plate or dealer transporter plate may be
10 displayed only on a motor vehicle that meets all of the following requirements:

- 11 (1) Is part of the inventory of the dealer.
- 12 (2) Is not consigned to the dealer.
- 13 (3) Is covered by liability insurance that meets the requirements of Article 9A of
- 14 this Chapter.
- 15 (4) Is not used by the dealer in another business in which the dealer is engaged.
- 16 (5) Is driven on a highway by a person who meets one of the following
- 17 descriptions:

18 a. ~~Has a demonstration permit to test drive the motor vehicle and~~
19 ~~carries the demonstration permit while driving the motor vehicle.~~

20 b. ~~Is an officer or sales representative of the dealer and is driving the~~
21 ~~vehicle for a business purpose of the dealer.~~

22 c. Is an employee of the dealer and is driving the vehicle in the course
23 of employment.

24 d. Is an employee of the dealer, or an employee of a business contracted
25 by the dealer to pick up and repair or otherwise prepare for sale a
26 vehicle that is part of the inventory of the dealer. Where the vehicle
27 is being repaired or prepared for sale, the vehicle may only be
28 operated within a 10-mile radius of the place where it is being
29 repaired or prepared for sale.

30 e. Is an employee or contractor of the dealer when transporting a
31 vehicle that is part of the inventory of the dealer when the vehicle is
32 being transported to or from a vehicle auction, or transporting a
33 vehicle that is part of the inventory of the dealer to the dealer's
34 established salesroom.

35 f. A dealer transporter plate shall not be used for purposes of
36 subsections (a), (b), and (c) of this section.

- 37 (6) A copy of the registration card for the dealer plate or dealer transporter plate
38 issued to the dealer is carried by the person operating the motor vehicle or, if
39 the person is operating the motor vehicle in this State, the registration card is
40 maintained on file at the dealer's address listed on the registration card, and
41 the registration card must be able to be produced within 24 hours upon
42 request of any law enforcement officer.

43 A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive
44 that type of motor vehicle. A demonstration permit authorizes each person named in the permit
45 to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is
46 issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour
47 period.

48 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal
49 of a person except as authorized by this subsection.

50 (e) Sanctions. – The following sanctions apply when a motor vehicle displaying a
51 dealer license plate is driven in violation of the restrictions on the use of the plate:

- 1 (1) The individual driving the motor vehicle is responsible for an infraction and
2 is subject to a penalty of ~~five dollars (\$50.00)~~ one hundred dollars
3 (\$100.00).
- 4 (2) The dealer to whom the plate is issued is subject to a civil penalty imposed
5 by the Division of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars
6 (\$250.00).
- 7 (3) The Division may rescind all dealer license plates issued to the dealer whose
8 plate was displayed on the motor vehicle.

9 A penalty imposed under subdivision (1) of this subsection is payable to the county where
10 the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision
11 (2) of this subsection shall be credited to the Highway Fund as nontax revenue.

12 (f) Transfer of Dealer Registration. – No change in the name of a firm, partnership or
13 corporation, nor the taking in of a new partner, nor the withdrawal of one or more of the firm,
14 shall be considered a new business; but if any one or more of the partners remain in the firm, or
15 if there is change in ownership of less than a majority of the stock, if a corporation, the business
16 shall be regarded as continuing and the dealers' plates originally issued may continue to be
17 used.

18 (g) Penalties. – The clear proceeds of all civil penalties, civil forfeitures, and civil fines
19 that are collected by the Department of Transportation pursuant to this section shall be remitted
20 to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

21 (h) Definition. – For purposes of this section, the term "dealer" means a person who is
22 licensed under Article 12 of this Chapter."

23 SECTION 6. G.S. 20-79.2 reads as rewritten:

24 "§ 20-79.2. Transporter plates.

25 (a) Who Can Get a Plate. – ~~A person engaged in a business or a dealer licensed~~
26 pursuant to Article 12 of this Chapter requiring the limited operation of a motor vehicle for any
27 of the following purposes may obtain a transporter plate authorizing the movement of the
28 vehicle for the specific purpose:

- 29 (1) To facilitate the manufacture, construction, rebuilding, or delivery of new or
30 used truck cabs or bodies between manufacturer, dealer, seller, or purchaser.
- 31 (2) To repossess a motor vehicle. Any applicant for a transporter plate pursuant
32 to this subsection shall show proof of garage liability insurance coverage as
33 required by Article 9A of this Chapter. Issuance of a transporter plate for this
34 purpose shall be limited to a financial institution to repossess a motor vehicle
35 of which they are the recorded lienholder.
- 36 (3) To pick up and deliver a motor vehicle that is to be ~~repaired~~ repaired, is to
37 undergo a safety or emissions inspection, or is to otherwise be prepared for
38 sale by a dealer, to road-test the vehicle, if it is repaired, repaired or
39 inspected within a ~~10-mile~~ 20-mile radius of the place where it is repaired,
40 repaired or inspected, and to deliver the vehicle to the dealer. The road test
41 authorized by this subdivision may only be performed by a dealer licensed
42 under Article 12 of this Chapter or an independent repair facility that is
43 properly licensed and has proof of financial responsibility. Issuance of a
44 transporter plate for this purpose to a repair facility shall be limited to two
45 transporter plates for each business.
- 46 (4) To move a motor vehicle that is owned by the business and is a replaced
47 vehicle offered for sale. The business must have 10 or more vehicles
48 registered to qualify for this provision.
- 49 (5) To take a motor vehicle either to or from a motor vehicle auction where the
50 vehicle will be or was offered for sale. Issuance of a transporter plate for this
51 purpose shall be limited to licensed dealers or a business contracted by the

1 dealer to deliver vehicles to or from a motor vehicle auction. Any business
 2 contracted by the dealer or auction must have a business privilege license
 3 and financial responsibility. The title to the vehicle, a bill of sale, or written
 4 authorization from the dealer or auction must be inside the vehicle
 5 in order to operate a vehicle displaying a transporter plate authorized by this
 6 subsection.

7 (6) To road-test a repaired truck whose GVWR is at least 15,000 pounds when
 8 the test is performed within a 10-mile radius of the place where the truck
 9 was repaired and the truck is owned by a person who has a fleet of at least
 10 five trucks whose GVWRs are at least 15,000 pounds and who maintains the
 11 place where the truck was repaired. Any applicant for a transporter plate
 12 pursuant to this subsection shall show proof of garage liability insurance
 13 coverage as required by Article 9A of this Chapter.

14 (7) To move a mobile office, a mobile classroom, or a mobile or manufactured
 15 ~~home, home,~~ or to transport a newly manufactured travel trailer, fifth-wheel
 16 ~~trailer, or camping trailer between a manufacturer and a dealer. Any~~
 17 ~~transporter plate used for this purpose shall not be used on the power unit.~~

18 (8) To drive a motor vehicle that is at least ~~25~~35 years old to and from a parade
 19 or another public event and to drive the motor vehicle in that event. A person
 20 who owns a motor vehicle that is at least ~~25~~35 years old is considered to be
 21 in the business of collecting those vehicles. These vehicles shall be titled in
 22 this State and have proof of financial responsibility as required under Article
 23 9A of this Chapter.

24 (9) To drive a motor vehicle that is part of the inventory of a dealer to and from
 25 a motor vehicle trade show or exhibition or to, during, and from a parade in
 26 which the motor vehicle is used. Issuance of a transporter plate for this
 27 purpose shall be limited to licensed dealers.

28 (10) To drive special mobile equipment in any of the following circumstances:
 29 a. From the manufacturer of the equipment to a facility of a dealer.
 30 b. From one facility of a dealer to another facility of a dealer.
 31 c. From a dealer to the person who buys the equipment from the dealer.

32 (b) How to Get a Plate. – A ~~person~~business may obtain a transporter plate by filing an
 33 application with the Division and paying the required fee. An application must be on a form
 34 provided by the Division and contain the information required by the Division. The fee for a
 35 transporter plate is one-half the fee set in G.S. 20-87(5) for a passenger motor vehicle of not
 36 more than 15 passengers.

37 (b1) Number of Plates. – The total number of dealer transporter and or dealer plates
 38 issued to a dealer may not exceed the total number of dealer plates that can be issued to the
 39 dealer under G.S. 20-79(b). This restriction does not apply to a person who is not a dealer.
 40 Transporter plates issued to a dealer shall bear the words "Dealer-Transporter." This subsection
 41 shall not apply to a person who is not a dealer.

42 (b2) Sanctions. – The following sanctions apply when a motor vehicle displaying a
 43 "Dealer-Transporter" or "Transporter" license plate is driven in violation of the restrictions on
 44 the use of the plate or in violation of the requirements for financial responsibility in this
 45 section:

- 46 (1) The individual driving the motor vehicle is responsible for an infraction and
 47 is subject to a penalty of ~~fifty dollars (\$50.00)~~ one hundred dollars
 48 (\$100.00).
 49 (2) The ~~dealer person, dealer, or business~~ to whom the plate is issued is subject
 50 to a civil penalty imposed by the Division of ~~two hundred dollars (\$200.00)~~
 51 two hundred fifty dollars (\$250.00) per occurrence.

1 (3) ~~The Division may rescind all dealer license plates, dealer transporter~~
2 ~~plates, or transporter plates issued to the dealer person, dealer, or business~~
3 ~~whose plate was displayed on the motor vehicle.~~

4 (4) Any person, dealer, or business who sells, rents, leases, or otherwise
5 provides a transporter plate to another person or business in exchange for
6 money or any other thing of value shall be guilty of a Class I felony. Any
7 conviction for violation of this subdivision shall be considered a felony
8 involving moral turpitude for purposes of G.S. 20-294.

9 A penalty imposed under subdivision (1) of this subsection is payable to the county where
10 the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision
11 (2) of this subsection shall be credited to the Highway Fund as nontax revenue. A law
12 enforcement officer having probable cause to believe that a transporter plate is being used in
13 violation of this section may seize the plate.

14 (c) ~~Form, Duration, and Transfer. – A transporter plate is a type of commercial license~~
15 ~~plate. A transporter plate issued to a dealer is issued on a fiscal year basis. A transporter plate~~
16 ~~issued to a person who is not a dealer is issued on a calendar year basis. A transporter license~~
17 ~~plate is subject to G.S. 20-63, except for the requirement that the plate display the registration~~
18 ~~number of a motor vehicle and the requirement that the plate be a "First in Flight" plate. A~~
19 ~~transporter license plate shall have a distinguishing symbol identifying the plate as a transporter~~
20 ~~license plate. The symbol may vary depending upon the classification of transporter license~~
21 ~~plate issued. A transporter license plate is issued for a period of one year. The Division shall~~
22 ~~vary the expiration dates of transporter registration renewals so that an approximately equal~~
23 ~~number expires at the end of each month, quarter, or other period consisting of one or more~~
24 ~~months. When the Division issues a transporter plate, it may issue a registration that expires at~~
25 ~~the end of any monthly interval. During the year for which it is issued, a person-business or~~
26 ~~dealer may transfer a transporter plate from one vehicle to another as long as the vehicle is~~
27 ~~driven only for a purpose authorized by subsection (a) of this section. The Division may shall~~
28 ~~rescind a transporter plate that is displayed on a motor vehicle driven for a purpose that is not~~
29 ~~authorized by subsection (a) of this section.~~

30 (d) A county may obtain one transporter plate, without paying a fee, by filing an
31 application with the Division on a form to be provided by the Division. A transporter plate
32 issued pursuant to this subsection may only be used to transport motor vehicles as part of a
33 program established by the county to receive donated motor vehicles and make them available
34 to low-income individuals.

35 If a motor vehicle is operated on the highways of this State using a transporter plate
36 authorized by this section, all of the following requirements shall be met:

37 (1) The driver of the vehicle shall have in his or her possession the certificate of
38 title for the motor vehicle, which has been properly reassigned by the
39 previous owner to the county or the affected donor program.

40 (2) The vehicle shall be covered by liability insurance that meets the
41 requirements of Article 9A of this Chapter.

42 The form and duration of the transporter plate shall be as provided in subsection (c) of this
43 section.

44 (e) Any vehicle being operated on the highways of this State using a transporter plate
45 shall have proof of financial responsibility that meets the requirement of Article 9A of this
46 Chapter."

47 SECTION 7. G.S. 20-79.7(a) reads as rewritten:

48 "(a) Fees. – Upon request, the Division shall provide and issue free of charge ~~one~~
49 ~~registration plate~~ a single Legion of Valor, 100% Disabled Veteran, and Ex-Prisoner of War
50 registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and an
51 ~~ex-prisoner of war.~~ war each year. The preceding special registration plates are subject to the

1 regular motor vehicle registration fees in G.S. 20-88, if the registered weight of the vehicle is
 2 greater than 6,000 pounds. All other special registration plates, including additional Legion of
 3 Valor, 100% Disabled Veteran, and Ex Prisoner of War plates, plates are subject to the regular
 4 motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the
 5 following amount:

6"

7 **SECTION 8.** G.S. 20-85.1 reads as rewritten:

8 **"§ 20-85.1. Registration by mail; one-day title service; fees.**

9 (a) The owner of a vehicle registered in North Carolina may renew that vehicle
 10 registration by mail. ~~A postage and handling fee of one dollar (\$1.00) per vehicle to be~~
 11 ~~registered shall be charged for this service.~~

12 (b) The Commissioner and the employees of the Division designated by the
 13 Commissioner may prepare and deliver upon request a certificate of title, charging a fee of
 14 seventy-five dollars (\$75.00) for one-day title service, in lieu of the title fee required by
 15 G.S. 20-85(a). The fee for one-day title service must be paid by cash or by certified check. This
 16 fee shall be credited to the Highway Trust Fund.

17 ~~(c) The fee collected under subsection (a) shall be credited to the Highway Fund. The~~
 18 ~~fee collected under subsection (b) shall be credited to the Highway Trust Fund."~~

19 **SECTION 9.** G.S. 20-88.02 reads as rewritten:

20 **"§ 20-88.02. Registration of logging vehicles.**

21 Upon receipt of an application on a form prescribed by it, the Division shall register ~~trucks,~~
 22 ~~tractor trucks, trailers, and semitrailers~~ trucks and tractor trucks used exclusively in connection
 23 with logging operations ~~in a separate category.~~ operations, as provided in section 4483(e) of the
 24 Internal Revenue Code and 26 C.F.R. § 41.4483-6 for the collection of the federal heavy
 25 vehicle use tax. For the purposes of this section, "logging" shall mean the harvesting of timber
 26 and transportation from a forested site to places of sale.

27 Fees for the registration of vehicles under this section shall be the same as those ordinarily
 28 charged for the type of vehicle being registered."

29 **SECTION 10.** G.S. 20-118(c) reads as rewritten:

30 **"§ 20-118. Weight of vehicles and load.**

31 ...
 32 (c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

33 (1) Two consecutive sets of tandem axles may carry a gross weight of 34,000
 34 pounds each without penalty provided the overall distance between the first
 35 and last axles of the consecutive sets of tandem axles is 36 feet or more.

36 (2) When a vehicle is operated in violation of G.S. 20-118(b)(1), 20-118(b)(2),
 37 or 20-118(b)(3), but the gross weight of the vehicle or combination of
 38 vehicles does not exceed that permitted by G.S. 20-118(b)(3), the owner of
 39 the vehicle shall be permitted to shift the load within the vehicle, without
 40 penalty, from one axle to another to comply with the weight limits in the
 41 following cases:

42 a. Where the single-axle load exceeds the statutory limits, but does not
 43 exceed 21,000 pounds.

44 b. Where the vehicle or combination of vehicles has tandem axles, but
 45 the tandem-axle weight does not exceed 40,000 pounds.

46 (3) When a vehicle is operated in violation of G.S. 20-118(b)(4) the owner of
 47 the vehicle shall be permitted, without penalty, to shift the load within the
 48 vehicle from one axle to another to comply with the weight limits where the
 49 single-axle weight does not exceed the posted limit by 2,500 pounds.

50 (4) A truck or other motor vehicle shall be exempt from such light-traffic road
 51 limitations provided for pursuant to G.S. 20-118(b)(4), when transporting

1 supplies, material or equipment necessary to carry out a farming operation
2 engaged in the production of meats and agricultural crops and livestock or
3 poultry by-products or a business engaged in the harvest or processing of
4 seafood when the destination of such vehicle and load is located solely upon
5 said light-traffic road.

6 (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4)
7 of this section do not apply to a vehicle while that vehicle is transporting
8 only the following from its point of origin on a light-traffic road to either one
9 of the two nearest highways that is not a light-traffic road: If that
10 vehicle's point of origin is a non-light-traffic road and that road is blocked by
11 light-traffic roads from all directions and is not contiguous with other
12 non-light-traffic roads, then the road at point of origin is treated as a
13 light-traffic road for purposes of this subdivision:

- 14 a. Processed or unprocessed seafood transported from boats or any
15 other point of origin to a processing plant or a point of further
16 distribution.
- 17 b. Meats or agricultural crop products transported from a farm to first
18 market.
- 19 c. Forest products originating and transported from a farm or from
20 woodlands to first market without interruption or delay for further
21 packaging or processing after initiating transport.
- 22 d. Livestock or poultry transported from their point of origin to a
23 processing plant or first market.
- 24 e. Livestock by-products or poultry by-products transported from their
25 point of origin to a rendering plant.
- 26 f. Recyclable material transported from its point of origin to a
27 scrap-processing facility for processing. As used in this subpart, the
28 terms "recyclable material" and "processing" have the same meaning
29 as in G.S. 130A-290(a).
- 30 g. Garbage collected by the vehicle from residences or garbage
31 dumpsters if the vehicle is fully enclosed and is designed specifically
32 for collecting, compacting, and hauling garbage from residences or
33 from garbage dumpsters. As used in this subpart, the term "garbage"
34 does not include hazardous waste as defined in G.S. 130A-290(a),
35 spent nuclear fuel regulated under G.S. 20-167.1, low-level
36 radioactive waste as defined in G.S. 104E-5, or radioactive material
37 as defined in G.S. 104E-5.
- 38 h. Treated sludge collected from a wastewater treatment facility.
- 39 i. Apples when transported from the orchard to the first processing or
40 packing point.
- 41 j. Trees grown as Christmas trees from the field, farm, stand, or grove
42 to first processing point.

43 (6) A truck or other motor vehicle shall be exempt from such light-traffic road
44 limitations provided by G.S. 20-118(b)(4) when such motor vehicles are
45 owned, operated by or under contract to a public utility, electric or telephone
46 membership corporation or municipality and such motor vehicles are used in
47 connection with installation, restoration or emergency maintenance of utility
48 services.

49 (7) A wrecker may tow any disabled truck or other motor vehicle or
50 combination of vehicles to a place for repairs, parking, or storage within 50
51 miles from the point that the vehicle was disabled and may tow a truck,

- 1 tractor, or other replacement vehicle to the site of the disabled vehicle
2 without being in violation of G.S. 20-118 provided that the wrecker and
3 towed vehicle or combination of vehicles otherwise meet all requirements of
4 this section.
- 5 (8) A firefighting vehicle operated by any member of a municipal or rural fire
6 department in the performance of his duties, regardless of whether members
7 of that fire department are paid or voluntary and any vehicle of a voluntary
8 lifesaving organization, when operated by a member of that organization
9 while answering an official call shall be exempt from such light-traffic road
10 limitations provided by G.S. 20-118(b)(4).
- 11 (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.
- 12 (10) Fully enclosed motor vehicles designed specifically for collecting,
13 compacting and hauling garbage from residences, or from garbage
14 dumpsters shall, when operating for those purposes, be allowed a single axle
15 weight not to exceed 23,500 pounds on the steering axle on vehicles
16 equipped with a boom, or on the rear axle on vehicles loaded from the rear.
17 This exemption shall not apply to vehicles operating on interstate highways,
18 vehicles transporting hazardous waste as defined in G.S. 130A-290(a)(8),
19 spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive
20 waste as defined in G.S. 104E-5(9a), or radioactive material as defined in
21 G.S. 104E-5(14).
- 22 (11) A truck or other motor vehicle shall be exempt for light-traffic road
23 limitations issued under subdivision (b)(4) of this section when transporting
24 heating fuel for on-premises use at a destination located on the light-traffic
25 road.
- 26 (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
27 of the conditions set out below:
- 28 a. Is hauling agricultural crops from the farm where the crop is grown
29 to any market within 150 miles of that farm.
- 30 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- 31 b1. Does not operate on an interstate highway or exceed any posted
32 bridge weight limits during transportation or hauling of agricultural
33 products.
- 34 c. Does not exceed a single-axle weight of 22,000 pounds, a
35 tandem-axle weight of 42,000 pounds, or a gross weight of 90,000
36 pounds.
- 37 (13) Vehicles specifically designed for fire fighting that are owned by a
38 municipal or rural fire department. This exception does not apply to vehicles
39 operating on interstate highways.
- 40 (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
41 of the conditions below, but all other enforcement provisions of this Article
42 remain applicable:
- 43 a. Is hauling aggregates from a distribution yard or a State-permitted
44 production site located within a North Carolina county contiguous to
45 the North Carolina State border to a destination in another state
46 adjacent to that county as verified by a weight ticket in the driver's
47 possession and available for inspection by enforcement personnel.
- 48 b. Does not operate on an interstate highway or exceed any posted
49 bridge weight limits.
- 50 c. Does not exceed 69,850 pounds gross vehicle weight and 53,850
51 pounds per axle grouping for tri-axle vehicles. For purposes of this

- 1 subsection, a tri-axle vehicle is a single power unit vehicle with a
 2 three consecutive axle group on which the respective distance
 3 between any two consecutive axles of the group, measured
 4 longitudinally center to center to the nearest foot, does not exceed
 5 eight feet. For purposes of this subsection, the tolerance provisions of
 6 subsection (h) of this section do not apply, and vehicles must be
 7 licensed in accordance with G.S. 20-88.
- 8 d. Repealed by Session Laws 2001-487, s. 10, effective December 16,
 9 2001.
- 10 (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
 11 combination that meets all of the conditions below, but all other enforcement
 12 provisions of this Article remain applicable:
- 13 a. Is hauling wood residuals, including wood chips, sawdust, mulch, or
 14 tree bark from any site; is hauling raw logs to first market; or is
 15 transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings
 16 from a site that does not have a certified scale for weighing the
 17 vehicle-vehicle; or is hauling animal waste products from the animal
 18 waste storage site to a farm or field.
- 19 b. Does not operate on an interstate highway, a posted light-traffic road,
 20 except as provided by subdivision (c)(5) of this section, or exceed
 21 any posted bridge weight limits.
- 22 c. Does not exceed a maximum gross weight 4,000 pounds in excess of
 23 what is allowed in subsection (b) of this section.
- 24 d. Does not exceed a single-axle weight of more than 22,000 pounds
 25 and a tandem-axle weight of more than 42,000 pounds.

26"

27 **SECTION 11.** G.S. 20-130.1 reads as rewritten:

28 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

- 29 (a) It is unlawful for any person to install or activate or operate a red light in or on any
 30 vehicle in this State. As used in this subsection, unless the context requires otherwise, "red
 31 light" means an operable red light not sealed in the manufacturer's original package which: (i)
 32 is designed for use by an emergency vehicle or is similar in appearance to a red light designed
 33 for use by an emergency vehicle; and (ii) can be operated by use of the vehicle's battery,
 34 vehicle's electrical system, or a dry cell battery. As used in this subsection, the term "red light"
 35 shall also mean any forward facing red light installed on a vehicle after initial manufacture of
 36 the vehicle.
- 37 (b) The provisions of subsection (a) of this section do not apply to the following:
- 38 (1) A police car;
- 39 (2) A highway patrol car;
- 40 (3) A vehicle owned by the Wildlife Resources Commission and operated
 41 exclusively for law-enforcement purposes;
- 42 (4) An ambulance;
- 43 (5) A vehicle used by an organ procurement organization or agency for the
 44 recovery and transportation of blood, human tissues, or organs for
 45 transplantation;
- 46 (6) A fire-fighting vehicle;
- 47 (7) A school bus;
- 48 (8) A vehicle operated by any member of a municipal or rural fire department in
 49 the performance of his duties, regardless of whether members of that fire
 50 department are paid or voluntary;

- 1 (9) A vehicle of a voluntary lifesaving organization (including the private
2 vehicles of the members of such an organization) that has been officially
3 approved by the local police authorities and which is manned or operated by
4 members of that organization while answering an official call;
- 5 (10) A vehicle operated by medical doctors or anesthetists in emergencies;
- 6 (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural
7 policeman in any county, regardless of whether or not the county owns the
8 vehicle;
- 9 (11a) A vehicle operated by the State Fire Marshal or his representatives in the
10 performance of their duties, whether or not the State owns the vehicle;
- 11 (12) A vehicle operated by any county fire marshal, assistant fire marshal, or
12 emergency management coordinator in the performance of his duties,
13 regardless of whether or not the county owns the vehicle;
- 14 (13) A light required by the Federal Highway Administration;
- 15 (14) A vehicle operated by a transplant coordinator who is an employee of an
16 organ procurement organization or agency when the transplant coordinator is
17 responding to a call to recover or transport human tissues or organs for
18 transplantation;
- 19 (15) A vehicle operated by an emergency medical service as an emergency
20 support vehicle; and
- 21 (16) A State emergency management ~~vehicle-vehicle~~; and
- 22 (17) An Incident Management Assistance Patrol vehicle operated by the
23 Department of Transportation, when using rear-facing red lights while
24 stopped for the purpose of providing assistance or incident management.

25 (c) It is unlawful for any person to possess a blue light or to install, activate, or operate
26 a blue light in or on any vehicle in this State, except for a publicly owned vehicle used for law
27 enforcement purposes or any other vehicle when used by law enforcement officers in the
28 performance of their official duties. As used in this subsection, unless the context requires
29 otherwise, "blue light" means any forward facing blue light installed on a vehicle after initial
30 manufacture of the vehicle; or an operable blue light which:

- 31 (1) Is not (i) being installed on, held in inventory for the purpose of being
32 installed on, or held in inventory for the purpose of sale for installation on a
33 vehicle on which it may be lawfully operated or (ii) installed on a vehicle
34 which is used solely for the purpose of demonstrating the blue light for sale
35 to law enforcement personnel;
- 36 (1a) Is designed for use by an emergency vehicle, or is similar in appearance to a
37 blue light designed for use by an emergency vehicle; and
- 38 (2) Can be operated by use of the vehicle's battery, the vehicle's electrical
39 system, or a dry cell battery.

40 (c1) The provisions of subsection (c) of this section do not apply to the possession and
41 installation of an inoperable blue light on a vehicle that is inspected by and registered with the
42 Department of Motor Vehicles as a specially constructed vehicle and that is used primarily for
43 participation in shows, exhibitions, parades, or holiday/weekend activities, and not for general
44 daily transportation. For purposes of this subsection, "inoperable blue light" means a
45 blue-colored lamp housing or cover that does not contain a lamp or other mechanism having
46 the ability to produce or emit illumination.

47 (d) Repealed by Session Laws 1999-249, s. 1.

48 (e) Violation of subsection (a) or (c) of this section is a Class 1 misdemeanor."

49 **SECTION 12.** G.S. 20-157(f) reads as rewritten:

50 "(f) When an authorized emergency vehicle as described in subsection (a) of this section
51 or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a

1 warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon
 2 as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one
 3 of the following:

- 4 (1) Move the vehicle into a lane that is not the lane nearest the parked or
 5 standing authorized emergency vehicle or public service vehicle and
 6 continue traveling in that lane until safely clear of the authorized emergency
 7 vehicle. This paragraph applies only if the roadway has at least two lanes for
 8 traffic proceeding in the direction of the approaching vehicle and if the
 9 approaching vehicle may change lanes safely and without interfering with
 10 any vehicular traffic.
 11 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
 12 the vehicle at a reduced speed and be prepared to stop until completely past
 13 the authorized emergency vehicle or public service vehicle. This paragraph
 14 applies only if the roadway has only one lane for traffic proceeding in the
 15 direction of the approaching vehicle or if the approaching vehicle may not
 16 change lanes safely and without interfering with any vehicular traffic.

17 For purposes of this section, "public service vehicle" means a vehicle that is being used to assist
 18 motorists or law enforcement officers with wrecked or disabled vehicles, or is a vehicle being
 19 used to restore electric utility service due to an unplanned event, and is operating an
 20 amber-colored flashing light authorized by G.S. 20-130.2. Violation of this subsection shall be
 21 negligence per se."

22 SECTION 13. G.S. 20-161(a) reads as rewritten:

23 "(a) No person shall park or leave standing any vehicle, whether attended or unattended,
 24 upon the ~~paved or~~ main-traveled portion of any highway or highway bridge ~~outside municipal~~
 25 ~~corporate limits~~ with the speed limit posted less than 45 miles per hour unless the vehicle is
 26 disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the
 27 vehicle upon the paved or main traveled portion of the highway or highway bridge. This
 28 subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in
 29 collecting garbage as defined in G.S. 20-118(c)(5)g. or recyclable material as defined in
 30 G.S. 130A-290(a)(26)."

31 SECTION 14. G.S. 20-161 is amended by adding a new subsection to read:

32 "(a1) No person shall park or leave standing any vehicle, whether attended or unattended,
 33 upon the paved or main-traveled portion of any highway or highway bridge with the speed limit
 34 posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is
 35 impossible to avoid stopping and temporarily leaving the vehicle upon the paved or
 36 main-traveled portion of the highway or highway bridge. This subsection shall not apply to a
 37 solid waste vehicle stopped on a highway while engaged in collecting garbage as defined in
 38 G.S. 20-118(c)(5)g. or recyclable material as defined in G.S. 130A-290(a)(26)."

39 SECTION 15. G.S. 20-161(b) reads as rewritten:

40 "(b) No person shall park or leave standing any vehicle upon the shoulder of a public
 41 highway ~~outside municipal corporate limits~~ unless the vehicle can be clearly seen by
 42 approaching drivers from a distance of 200 feet in both directions and does not obstruct the
 43 normal movement of traffic."

44 SECTION 16. G.S. 20-294(2) reads as rewritten:

45 "§ 20-294. Grounds for denying, suspending or revoking licenses.

46 The Division may deny, suspend, or revoke a license issued under this Article for any one
 47 or more of the following grounds:

- 48 ...
 49 (2) Willfully and intentionally failing to comply with this Article, Article 15 of
 50 this Chapter, or G.S. 20-52.1, 20-75, 20-79.1, 20-79.2, 20-108, 20-109; or a
 51 rule adopted by the Division under this Article."

1 SECTION 17. G.S. 160A-300.1(c1) reads as rewritten:

2 "(c1) The duration of the yellow light change interval at intersections where traffic control
3 photographic systems are in use shall be no less than the yellow light change interval duration
4 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
5 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
6 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
7 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
8 Control Devices."

9 SECTION 18. G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286,
10 reads as rewritten:

11 "(e) The duration of the yellow light change interval at intersections where traffic control
12 photographic systems are in use shall be no less than the yellow light change interval duration
13 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
14 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
15 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
16 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
17 Control Devices."

18 SECTION 19. G.S. 160A-300.3(e), as enacted by Section 4 of S.L. 2001-286,
19 reads as rewritten:

20 "(e) The duration of the yellow light change interval at intersections where traffic control
21 photographic systems are in use shall be no less than the yellow light change interval duration
22 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
23 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
24 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
25 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
26 Control Devices."

27 SECTION 20. G.S. 160A-303(b1)(4) reads as rewritten:

28 "(4) Is left on any public street or highway for longer than seven ~~days~~ days or is
29 determined by law enforcement to be a hazard to the motoring public."

30 SECTION 21. Section 25.10 of S.L. 2009-451, as added by Section 20 of S.L.
31 2009-575, reads as rewritten:

32 **"DMV TO MOVE ~~EMISSIONS~~ INSPECTION PROGRAM CALL CENTER TO**
33 **NORTH CAROLINA**

34 "SECTION 25.10. The Department of Transportation, Division of Motor Vehicles, shall
35 replace the current out-of-state contractors handling questions ~~from service station operators~~
36 about the State's ~~emissions-inspection~~ program with State employees at an existing Division of
37 Motor Vehicles call center within the State. The Department of Transportation, Division of
38 Motor Vehicles, is authorized to create up to 15 new receipt-supported positions to replace the
39 current out-of-state contractors."

40 SECTION 22. Sections 21 and 22 of this act are effective when it becomes law.
41 The remainder of this act becomes effective December 1, 2010, and applies to offenses
42 committed on or after that date.